

THURSDAY, APRIL 18, 1996

EIGHTY-SIXTH LEGISLATIVE DAY

The House met at 8:30 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative McAfee.

Representative McAfee led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McKee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 557:** Rep(s). Davidson as prime sponsor(s).

**House Joint Resolution No. 560:** Rep(s). Kisber as prime sponsor(s).

**House Bill No. 77:** Rep(s). Beavers, Bird, Bittle, Rinks, Whitson, Fitzhugh and White as prime sponsor(s).

**House Bill No. 342:** Rep(s). Turner(Hamilton) and Williams(Union) as prime sponsor(s).

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**House Bill No. 1862:** Rep(s). McMillan as prime sponsor(s).

**House Bill No. 2274:** Rep(s). Bird, Beavers, Newton and Cantrell as prime sponsor(s).

**House Bill No. 2300:** Rep(s). Beavers, Boyer, Williams(Union) and Bird as prime sponsor(s).

**House Bill No. 2301:** Rep(s). Boyer and Williams(Union) as prime sponsor(s).

**House Bill No. 2313:** Rep(s). Patton as prime sponsor(s).

**House Bill No. 2381:** Rep(s). Shirley, Burchett, Dunn, Callicott, Jackson, Duer, Ford, Sharp, and Haley as prime sponsor(s).

**House Bill No. 2433:** Rep(s). Coffey, Boyer, Sharp, Givens, McKee, Pinion, Buck, Ridgeway, Shirley, Patton, McMillan, Williams(Williamson), Jackson, McDaniel, Ford, Lewis, DeBerry, J, Windle, Kent, Walley, Whitson, Peach, Bowers, Davidson, DeBerry L as prime sponsor(s).

**House Bill No. 2445:** Rep(s). Williams(Union) as prime sponsor(s).

**House Bill No. 2642:** Rep(s). Cantrell, Bird, Newton and Patton as prime sponsor(s).

**House Bill No. 2907:** Rep(s). Cantrell, Jackson, Shirley, Haley, Walley, Curtiss and Bird as prime sponsor(s).

**House Bill No. 3063:** Rep(s). Ramsey, Patton, Boyer and Williams(Union) as prime sponsor(s).

**House Bill No. 3138:** Rep(s). Beavers as prime sponsor(s).

**House Bill No. 3179:** Rep(s). Langster as prime sponsor(s).

**House Bill No. 3205:** Rep(s). Ritchie, Boyer, Beavers, and Williams(Union) as prime sponsor(s).

**House Bill No. 3271:** Rep(s). Turner(Hamilton) and Brown as prime sponsor(s).

**House Bill No. 3272:** Rep(s). Turner(Hamilton) and Brown as prime sponsor(s).

**House Bill No. 3273:** Rep(s). Turner(Hamilton) and Brown as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). Cantrell was/were removed as sponsor(s) of **House Joint Resolution No. 539**.

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On motion, Rep(s). Beavers was/were removed as sponsor(s) of **House Bill No. 3074**.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 16, 1996**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2181, 3256, 3283 and 3284; also, House Joint Resolution(s) No(s). 378, 438, 509, 510, 511, 512, 514, 515, 516, 517, 518, 519, 520, 521, 522, 524 and 526.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 16, 1996**

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 834, 2022 and 3081; also, House Joint Resolution(s) No(s). 404 and 542.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**April 16, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3136.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 16, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2255; also, House Joint Resolution(s) No(s). 449 and 528; with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

**April 16, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 3301, with his approval.

HARDY MAYS, Counsel to the Governor.

**ENROLLED BILLS**

**April 16, 1996**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2021, 2455, 2489, 2536, 2539, 2562, 2581, 2795, 2825, 2860, 2862, 3006 and 3295; also, House Resolution(s) No(s). 213, 215, 216 and 224.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**April 16, 1996**

The Speaker signed the following: House Bill(s) No(s). 2021, 2455, 2489, 2536, 2539, 2562, 2581, 2795, 2825, 2860, 2862, 3006 and 3295; also, House Resolution(s) No(s). 213, 215, 216 and 224.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**April 17, 1996**

The Speaker signed the following: Senate Bill(s) No(s). 621, 2097, 2857 and 2932; also, Senate Joint Resolution(s) No(s). 108.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced:

**House Resolution No. 235** -- Naming and Designating - "A Tennessee Bicentennial Rap: 1796-1996" by Joan Hill Hanks; Official Tennessee Bicentennial Rap. by \*McAfee, \*Brown, \*Stulce, \*Turner (Hamilton), \*Wood, \*Sharp.

**House Joint Resolution No. 551** -- Memorials, Sports - Ken Dugan, David Lipscomb University baseball coach. by \*Halteman Harwell, \*West.

**\*House Joint Resolution No. 552** -- General Assembly, Studies - Creates special joint committee to study child custody, divorce and child support. by \*Buck.

**House Joint Resolution No. 561** -- Naming and Designating - "Better Speech and Hearing Month," May 1996. by \*Wood.

**REFERRAL OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were referred to the appropriate Committee:

**\*House Resolution No. 217** -- House of Representatives - Prohibits use of separate constituent service accounts by house members; requires reporting under campaign finance disclosure reports. by \*Williams (Williamson).

Finance, Ways & Means Committee

**\*House Joint Resolution No. 544** -- Highway Signs - "Frank Gorrell Memorial Highway," segment of Donelson Pike (S.R. 255), Davidson County. by \*West.

Transportation Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 22, 1996:

**House Resolution No. 231** -- Memorials, Interns - Jason Alan Anderson. by \*Eckles, \*Pinion, \*Fitzhugh, \*White.

**House Resolution No. 232** -- Memorials, Interns - David Alan Bates. by \*Pinion, \*Fitzhugh, \*Eckles, \*White.

**House Resolution No. 233** -- Memorials, Interns - Allison Muia. by \*Purcell.

**House Resolution No. 234** -- Memorials, Recognition and Thanks - Mid-Cumberland Youth Development Advisory Board. by \*Purcell.

**House Resolution No. 236** -- Memorials, Death - Robert Frank Anderson, Sr. by \*Williams(Union).

**House Resolution No. 238** -- Memorials, Recognition and Thanks - Bristol Kiwanis Club. by \*Ramsey.

**House Resolution No. 239** -- Memorials, Interns - Kelley Jo Williams. by \*Ramsey.

**House Resolution No. 240** -- Memorials, Public Service - Lillian Keith Lewis. by \*Brown, \*Pruitt.

**House Resolution No. 241** -- Memorials, Interns - Selina M. Christian. by \*Hargrove.

**House Resolution No. 242** -- Memorials, Interns - Dorsey C. West. by \*Brown.

**House Joint Resolution No. 570** -- Memorials, Public Service - Charles E. Stoker "Optimist of the Year". by \*Shirley.

**House Joint Resolution No. 572** -- Memorials, Interns - Charles Wayne Hancock. by \*Buck, \*Jackson, \*Williams (Williamson).

**House Joint Resolution No. 578** -- Memorials, Professional Achievement - Johnny Cash, 40th Anniversary of release of "I'll Walk the Line.". by \*Stamps.

**House Joint Resolution No. 579** -- Memorials, Interns - Lori Johnson. by \*Phillips.

**House Joint Resolution No. 580** -- Memorials, Interns - Tamara Loren Walters. by \*Byrd.

**House Joint Resolution No. 584** -- Memorials, Interns - Chastity Ann Gosnell. by \*Jones U (Shelby), \*Jones R (Shelby).

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**House Joint Resolution No. 583** -- Memorials, Interns - Jacqueline Renee Henry. by \*Jones U (Shelby), \*Jones R (Shelby).

**House Joint Resolution No. 573** -- Memorials, Academic Achievement - Jamie Lynn Russell "Highest Honors". by \*Beavers, \*Fowlkes.

**House Joint Resolution No. 574** -- Memorials, Academic Achievement - Cindy Lynn Harper, Highest Honors Award, Marshall County High School. by \*Beavers.

**House Joint Resolution No. 575** -- Memorials, Sports - Shenna Bowling. by \*Davidson.

**House Joint Resolution No. 577** -- Memorials, Sports - 1995-1996 Bartlett High School boys' basketball team. by \*Byrd.

**House Joint Resolution No. 581** -- Memorials, Sports - 1995-1996 Perry County girls' basketball team. by \*Peach, \*McDaniel.

**House Joint Resolution No. 585** -- Memorials, Death - Representative Fred C. Atchley. by \*Huskey, \*Kerr, \*Bragg, \*Rhinehart, \*Clabough.

**House Joint Resolution No. 586** -- Memorials, Sports - Portland High School football team. by \*McDonald.

**House Joint Resolution No. 587** -- Memorials, Sports - 1995-1996 Gallatin High School girls' basketball team. by \*Stamps.

**House Joint Resolution No. 582** -- Memorials, Sports - 1995-1996 Wayne County girls' basketball team, TSSAA Class A state runner-up. by \*Peach, \*McDaniel.

**House Joint Resolution No. 588** -- Memorials, Interns - Joseph M. Barrett. by \*Phillips, \*Turner (Hamilton), \*Miller L.

**House Joint Resolution No. 589** -- Memorials, Interns - Christopher Matthew Rogers. by \*Beavers.

**House Joint Resolution No. 592** -- Memorials, Academic Achievement - Jason Rowe, Valedictorian, Laverne High School. by \*Beavers.

**House Joint Resolution No. 593** -- Memorials, Academic Achievement - Valerie McMurray, co-valedictorian, Laverne High School. by \*Beavers.

**SENATE JOINT RESOLUTIONS**  
**(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 22, 1996:

**Senate Joint Resolution No. 452** -- Memorials, Personal Achievement - Leonora Jackson, U.S. citizenship. by \*Ford J, \*Cooper, \*Atchley.

**Senate Joint Resolution No. 454** -- Memorials, Death - Walter P. Armstrong, Sherlockian Scholar of Three Pipe Problem. by \*Cohen, \*Henry, \*Kyle.

**Senate Joint Resolution No. 456** -- Memorials, Sports - 1995-1996 Oakland High School boys' basketball team. by \*Womack, \*Womack.

**Senate Joint Resolution No. 458** -- Memorials, Sports - 1995-1996 Perry County High School boys' basketball team. by \*Springer.

**Senate Joint Resolution No. 459** -- Memorials, Interns - Melissa McConnell. by \*Rochelle.

**Senate Joint Resolution No. 460** -- Memorials, Recognition and Thanks - Woodland Hills, Inc. by \*Harper.

**Senate Joint Resolution No. 461** -- Memorials, Sports - 1995-1996 Vanderbilt University women's basketball team. by \*Harper, \*Henry, \*Cohen, \*O'Brien, \*Jordan.

**Senate Joint Resolution No. 467** -- Memorials, Public Service - Copperweld Corporation. by \*Cooper.

**Senate Joint Resolution No. 468** -- Memorials, Sports - 1995-1996 Gordonsville High School boys' basketball team. by \*Rochelle.

**Senate Joint Resolution No. 469** -- Memorials, Death - Elder R.D. Brooks, Jr. by \*Rochelle.

**Senate Joint Resolution No. 471** -- Memorials, Sports - 1995-1996 Boyd-Buchanan High School boys' basketball team, TSSAA Class A state champions. by \*Fowler, \*Crutchfield.

**Senate Joint Resolution No. 472** -- Memorials, Sports - 1995-1996 Perry County High School boys' basketball team. by \*Springer.

**Senate Joint Resolution No. 473** -- Memorials, Interns - Jorie Marie Nastoff. by \*Jordan.

**Senate Joint Resolution No. 474** -- Memorials, Retirement - Judge Elizabeth Jane Franks. by \*Jordan, \*Henry, \*O'Brien.

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**Senate Joint Resolution No. 475** -- Memorials, Interns - John Arthur Carr. by \*Crowe.

**Senate Joint Resolution No. 476** -- Memorials, Death - Aimee Carole Street. by \*Crowe.

**Senate Joint Resolution No. 479** -- Memorials, Sports - Coach Lamar Rogers. by \*O'Brien, \*O'Brien.

**Senate Joint Resolution No. 480** -- Memorials, Recognition and Thanks - Chris Haile, Senate clerk's office. by \*McNally, \*Rochelle, \*Womack.

**Senate Joint Resolution No. 481** -- Memorials, Interns - Glen Watson. by \*McNally.

**Senate Joint Resolution No. 482** -- Memorials, Retirement - Flavious Smith, Tennessee Technological University. by \*Burks.

**Senate Joint Resolution No. 483** -- Memorials, Death - Representative Fred Atchley. by \*Koella, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**Senate Joint Resolution No. 484** -- Memorials, Recognition and Thanks - Walter Paul Swain. by \*Rochelle.

**Senate Joint Resolution No. 485** -- Memorials, Retirement - Elion Davis. by \*Cohen, \*Henry, \*O'Brien.

**Senate Joint Resolution No. 486** -- Memorials, Sports - East Tennessee State University men's golf team. by \*Crowe.

**Senate Joint Resolution No. 487** -- Memorials, Recognition and Thanks - 1996 legislative employees. by \*Wilder, \*Atchley, \*Crutchfield, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Womack, \*Wright.

**Senate Joint Resolution No. 489** -- Memorials, Death - Elizabeth Kalogeros Webb. by \*Crowe.

**Senate Joint Resolution No. 490** -- Memorials, Retirement - Reverend Beverly A. Ashbury. by \*Cohen.



### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3309** -- Lexington - Subject to local approval, permits establishment of bidding procedures by ordinance. by \*McDaniel.

**House Bill No. 3310** -- Jackson - Subject to local approval of City of Jackson and Madison County, identifies persons and their benefits under retirement system. Amends Chapter 357 of the Private Acts of 1943. by \*Kisber, \*McDaniel.

**House Bill No. 3311** -- Signal Mountain - Subject to local approval, establishes board of public utilities. Amends Chapter 569 of the Private Acts of 1919. by \*McAfee.

**House Bill No. 3312** -- Rutherford County - Subject to local approval, enacts "Rutherford County Adequate Facilities Tax.". by \*Bragg.

**House Bill No. 3313** -- Gibson County - Subject to local approval, changes procedure for filling vacancy of school board member; revises duties of school board. Amends Chapter 62 of the Private Acts of 1981; as amended. by \*Phelan.

**House Bill No. 3314** -- Johnson County - Subject to local approval, enacts "Mountain Ridge Protection Act.". by \*Venable.

**House Bill No. 3315** -- Milan - Subject to local approval, rewrites city charter. by \*Pinion, \*Phelan.

**House Bill No. 3316** -- Robertson County - Subject to local approval, authorizes adequate facilities tax. by \*Davidson.

**House Bill No. 3317** -- Gibson County - Subject to local approval, increases salary of general sessions court judge and permits interchange effective September 1, 1998. by \*Phelan.

### SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 338** -- Apportionment, Legislative - Transfers voting precinct 26-23 from 19th to 21st senatorial district. Amends TCA 3-1-102. by \*Henry, \*Harper.

**\*Senate Bill No. 856** -- Judicial Officers - Revises schedule of fees clerks of probate courts authorized to charge. Amends TCA 8-21-401. by \*Person.

**\*Senate Bill No. 1218** -- Railroads - Revises membership of railway authorities in which Davidson County is member to require that each county have three members. Amends TCA 7-56-203. by \*Harper.

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**\*Senate Bill No. 1629** -- Private Investigators - Eliminates private investigation commission. Amends TCA Title 4, Chapter 29; Title 62, Chapter 26. by \*Cooper.

**\*Senate Bill No. 1953** -- Metropolitan Government - Authorizes creation of metropolitan charter commission by petition; makes county funding level for commission more flexible. Amends TCA Title 7, Chapter 2. by \*Rochelle.

**\*Senate Bill No. 2338** -- Corporations, Not for Profit - Authorizes creation of Tennessee network for community economic development. Amends TCA Title 13, Chapter 14. by \*Dixon.

**\*Senate Bill No. 2514** -- Personnel Recruiting Services - Prorates registration fees for personnel recruiting board scheduled to sunset June 30, 1996. Amends TCA Title 62, Chapter 31, Part 2. by \*Haynes.

**\*Senate Bill No. 2515** -- Salaries and Benefits - Corrects renewal date for licensure of employee assistance professionals. Amends TCA Section 62-42-106. by \*Haynes.

**Senate Bill No. 3284** -- Uniform Commercial Code - Revises process for filing continuation of financing statement by secured parties. Amends TCA Title 47. by \*Crutchfield.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3306** -- Bluff City -- Local Bill Held on House Desk

**House Bill No. 3307** -- Bluff City -- Local Bill Held on House Desk

**House Bill No. 3308** -- Paris -- Local Bill Held on House Desk

**CAPTION BILLS REFERRED**

Pursuant to **Rule No. 47**, the following Caption Bill(s), House Bill No. 2637 held on the Clerk's desk were referred to the following Committee(s):

**House Bill No. 2637** -- County Officers -- House Finance, Ways & Means Committee

## REPORTS FROM STANDING COMMITTEES

The committees that met on **April 16, 1996**, reported the following:

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 18, 1996**: House Bill(s) No(s). 3271, 3272, 3273, 2770, 3174, 3173, 342, 2433, 800, 3218, 1167, 2114, 2123, 2458, 431, 2210, 2313, 3198, 2270, 2445, 1107, 2687, 77 and House Resolution(s) No(s). 178.

The Committee set the following bills on the **Regular Calendar for April 22, 1996**: House Bill(s) No(s). 2432, 3227, 1119 and 2253.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for April 18, 1996**: House Bill(s) No(s). 2720, 3063, 2468, 2491, 2755, 2975, 2300, 2301 and Senate Joint Resolution(s) No(s). 357.

### COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 3235; also House Bill(s) No(s). 2840 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 3114. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2425 and 3123 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 986, 2712, 2179, 3286, 3285, 3294 and House Joint Resolution(s) No(s). 525; also House Bill(s) No(s). 2344, 2493, 47, 2647, 177, 3138, 2946, 2572, 2364, 2484, 1598, 2943 and 1980 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2143, 2138, 2118, 421, 2467, 2990 and 2989. Under the rules, each was transmitted to the Calendar and Rules Committee.

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It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2463 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### **HEALTH AND HUMAN RESOURCES**

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2846, 745, 2155 and House Joint Resolution(s) No(s). 448; also House Bill(s) No(s). 2926, 2310, 3185 and 2713 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3118 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

### **STATE AND LOCAL GOVERNMENT**

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2822, 2965, 1964, 2924, House Joint Resolution(s) No(s).539 and Senate Joint Resolution(s) No(s). 323 and 339; also House Bill(s) No(s). 2557, 1356, 2776, 2928 and House Joint Resolution(s) No(s). 221 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

### **REPORTS FROM STANDING COMMITTEES**

The committees that met on **April 17, 1996**, reported the following:

#### **COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 18, 1996**: House Joint Resolution(s) No(s). 539.

The Committee set the following bills on the **Regular Calendar for April 22, 1996**: House Bill(s) No(s). 2986, 2706, 2707 and 2370.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar for April 18, 1996**: House Bill(s) No(s). 3205, 3179, 2824,1954,1955 and House Joint Resolution(s) No(s).186.

### **FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2895, 2664, 2937 and 2575; also House Bill(s) No(s). 2914 and 2670 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

## HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 379, 2611 and House Resolution(s) No(s). 212; also House Bill(s) No(s). 2578 and 2731 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1021 and 3146 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

We further report that the following was/were considered but failed to pass: House Bill No. 1473.

## JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 2596 and 1862; also House Bill(s) No(s). 2094, 2758, 3002 and 2353 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee House Bill(s) No(s). 2501, 3107, 3176, 3232 and 2054 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

## TRANSPORTATION

The Transportation Committee recommended for passage: House Joint Resolution(s) No(s). 513 and Senate Joint Resolution(s) No(s). 391 and 384; also House Bill(s) No(s). 771 and 2180 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

## REPORTS FROM STANDING COMMITTEES

The committees that met on **April 18, 1996**, reported the following:

### COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 23, 1996**: House Bill(s) No(s). 2713, 3185, 3111, 3008, 2812, 3082, 3090, 2819, 2557, 986, 2344, 2495, 1980, 771, 2578, 177, 2946, 2572, 1625, 2310, 2926, 2364, 2712, 1853, 2943, 1598, 3138, 2928, 2484, House Joint Resolution(s) No(s). 503 and Senate Joint Resolution(s) No(s). 328.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 23, 1996**: House Bill(s) No(s). 2540, 2827, 2586, 421, 2118, 2138, 2143, 2990, 2989, 2467, 3221, 2179, 3285, 2924, House Joint Resolution(s) No(s). 462 and Senate Joint Resolution(s) No(s). 391, 339 and 384.

CONSENT CALENDAR

**House Resolution No. 218** -- Memorials, Personal Occasion - Jack and Betty Wylie, 40th Wedding Anniversary. by \*Brooks.

**House Resolution No. 219** -- Memorials, Academic Achievement - Lee Sheridan Nichols, Salutatorian, Munford High School. by \*Naifeh.

**House Resolution No. 220** -- Memorials, Academic Achievement - Laura Dawn Simpson, Valedictorian, Munford High School. by \*Naifeh.

**House Resolution No. 221** -- Memorials, Academic Achievement - Erin Elizabeth Ellis, Valedictorian, Tipton-Rosemark Academy. by \*Naifeh, \*Haley.

**House Resolution No. 222** -- Memorials, Academic Achievement - James F. Eckles, Salutatorian, Tipton-Rosemark Academy. by \*Naifeh, \*Haley.

**House Resolution No. 223** -- Memorials, Public Service - Laboratory of Sycamore Shoals Hospital, Elizabethton. by \*Cole (Carter).

**House Resolution No. 225** -- Memorials, Interns - Jaime Marie Arnold. by \*Kent.

**House Resolution No. 226** -- Memorials, Personal Occasion - Lottie Rush, 101st birthday. by \*McDonald.

**House Joint Resolution No. 546** -- Memorials, Sports - Tony Delk, Final Four Tournament Most Valuable Player. by \*Fitzhugh.

**House Joint Resolution No. 547** -- Memorials, Death - Dr. James E. Hamill. by \*Brooks.

**House Joint Resolution No. 548** -- Memorials, Professional Achievement - Merle Kirkwood. by \*McDonald.

**House Joint Resolution No. 549** -- Memorials, Professional Achievement - Terry J. Patterson - 25th years service, Action Auction of WDCN. by \*Robinson.

**House Joint Resolution No. 550** -- Memorials, Sports - 1995-1996 Perry County High School boys' basketball team. by \*Peach, \*McDaniel.

**\*Senate Joint Resolution No. 357** -- Highway Signs - "Dr. J. H. Gammons Memorial Bridge," French Broad River, S.R. 168, Knox County. by \*Atchley.

**Senate Joint Resolution No. 433** -- Memorials, Death - Russell H. Miles. by \*Haun.

**Senate Joint Resolution No. 434** -- Memorials, Public Service - Ralph Lindsey. by \*Koella.

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**Senate Joint Resolution No. 435** -- Memorials, Academic Achievement - Huyen Mong Nguyen, Valedictorian, Antioch High School. by \*Rochelle.

**Senate Joint Resolution No. 436** -- Memorials, Academic Achievement - Chris Garner, Salutatorian, Antioch High School. by \*Rochelle, \*Harper.

**Senate Joint Resolution No. 437** -- Memorials, Academic Achievement - Charles David Koellein, Valedictorian, Ezell Harding Christian School. by \*Rochelle.

**Senate Joint Resolution No. 438** -- Memorials, Academic Achievement - Angela Yun-Chi Cheng, Salutatorian, Ezell Harding Christian School. by \*Rochelle.

**Senate Joint Resolution No. 441** -- Memorials, Public Service - Dr. Donald H. Ellis. by \*Holcomb.

**Senate Joint Resolution No. 442** -- Memorials, Public Service - Leadership Overton, 1995-1996. by \*O'Brien.

**Senate Joint Resolution No. 443** -- Memorials, Retirement - Ms. C. Emma Motley. by \*Wilder.

**Senate Joint Resolution No. 445** -- Memorials, Death - Dorothy Shepard Goldstein, Nashville. by \*Cohen, \*Harper.

**\*Senate Joint Resolution No. 453** -- Memorials, Sports - 1995-1996 Hunter Elementary School girls' basketball team. by \*Crowe.

**Senate Joint Resolution No. 455** -- Memorials, Personal Occasion - Herbert and Lola Spain, 50th wedding anniversary. by \*Haynes.

**Senate Joint Resolution No. 457** -- Memorials, Professional Achievement - Katherine Daniel, District Level Teacher of the Year. by \*Womack.

**Senate Joint Resolution No. 463** -- Memorials, Professional Achievement - Washington County Republican Women, recipients 1994-1995 "Diamond Award.". by \*Crowe, \*Atchley.

**House Joint Resolution No. 553** -- Memorials, Retirement - Fred Travis. by \*Bragg.

**House Joint Resolution No. 554** -- Memorials, Death - C. N. Armour. by \*Fitzhugh.

**House Joint Resolution No. 555** -- Memorials, Professional Achievement - Buck Johnson, first place, Golf Writers Association Newspaper Columns Category. by \*Stulce, \*Wood, \*McAfee, \*Sharp, \*Turner (Hamilton), \*Brown.

**House Joint Resolution No. 556** -- Memorials, Retirement - Mary M. Pulliam. by \*Walley.

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**House Joint Resolution No. 557** -- Memorials, Congratulations - City of White House, 25th Anniversary. by \*McDonald.

**House Joint Resolution No. 558** -- Naming and Designating - "Upper Cumberland Drinking Water Month," May 1996. by \*Hargrove.

**House Joint Resolution No. 559** -- Memorials, Interns - Matthew R. Moen. by \*Robinson, \*Fowlkes, \*Cole (Dyer).

**House Joint Resolution No. 560** -- Memorials, Academic Achievement - Jackson Christian School Decathlon. by \*McDaniel.

**House Joint Resolution No. 562** -- Naming and Designating - "Ross Bass Day" in Tennessee, April 22, 1996. by \*Fowlkes.

**House Joint Resolution No. 563** -- Memorials, Interns - C. Warren Wakeland. by \*Rhinehart, \*West, \*Rigsby.

**House Resolution No. 227** -- Memorials, Personal Occasion - Mr. and Mrs. Ralph Robinson, 50th wedding anniversary. by \*Williams (Union).

**House Resolution No. 228** -- Memorials, Death - Trent Raley. by \*Williams (Union).

**House Resolution No. 229** -- Memorials, Retirement - Mrs. Margaret Wilburn. by \*Brooks.

**House Bill No. 2720** -- Indigents - Allows court to consider amount of money person paid to make bond and source of such money in determining whether such person indigent for purpose of appointing legal counsel. Amends TCA Title 40, Chapter 14, Part 2. by \*Buck. (\*SB2984 by \*Person)

On motion, House Bill No. 2720 was made to conform with **Senate Bill No. 2984**; the Senate Bill was substituted for the House Bill.

**House Bill No. 3063** -- Criminal Procedure - Establishes habitual drug offender classification, procedure and penalty. Amends TCA Title 39, Chapter 17, Part 4, by \*Westmoreland, \*Bittle, \*Davis, \*Cole (Dyer), \*Wood, \*Fitzhugh, \*Phelan, \*Rinks, \*White, \*McDaniel, \*West, \*Stamps, \*Ramsey, \*Givens, \*Buck, \*McMillan, \*Venable, \*Callicott, \*Fowlkes, \*Hargrove, \*Patton, \*Beavers, \*Newton. (\*SB3157 by \*Fowler, \*Fowler, \*Person, \*McNally, \*Atchley, \*Carter, \*Rice, \*Miller J, \*Jordan, \*Koella, \*Leatherwood, \*Wright, \*Holcomb, \*Elsea, \*Hamilton, \*Gilbert)

**House Bill No. 2491** -- Criminal Offenses - Enacts "Prohibition of Female Genital Mutilation Act of 1996." Amends TCA Title 39, Chapter 13. by \*DeBerry L, \*Brooks, \*Bowers. (\*SB2394 by \*Harper, \*O'Brien, \*Crutchfield, \*Rice)

On motion, House Bill No. 2491 was made to conform with **Senate Bill No. 2394**; the Senate Bill was substituted for the House Bill.



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**\*House Bill No. 2755** -- Traffic Safety - Requires department of transportation to construct automatic warning devices at railroad crossing at Tipton Station Road in Knox County. Amends TCA Title 65, Chapter 11, Part 1. by \*Ritchie. (SB2998 by \*Atchley)

**House Bill No. 2975** -- District Attorneys - Defrays costs of district attorney and clerk for collection of fines, costs and litigation taxes that have been in default for at least six months. Amends TCA Section 40-24-105. by \*Ritchie. (\*SB3143 by \*Gilbert, \*Gilbert, \*Person)

**House Bill No. 2300** -- Jails, Local Lock-ups - Authorizes county or municipality to adopt plan to require inmates in local jail or workhouse to pay co-pay amount for any medical care, treatment or pharmacy services provided inmate; allows county or municipality to seek reimbursement from insurance companies for medical expenses provided on behalf of inmate. Amends TCA Title 41, Chapter 4, Part 1. by \*Coffey. (\*SB2058 by \*McNally, \*Leatherwood)

On motion, House Bill No. 2300 was made to conform with **Senate Bill No. 2058**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2301** -- Bail, Bail Bonds - Allows, in setting amount of bail for criminal defendant, magistrate to consider defendant's prior criminal record and likelihood will pose risk of danger to community. Amends TCA Title 40, Chapter 11. by \*Coffey. (\*SB2094 by \*McNally)

On motion, House Bill No. 2301 was made to conform with **Senate Bill No. 2094**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2468** -- Personnel Recruiting Services - Prorates registration fees for personnel recruiting board scheduled to sunset June 30, 1996. Amends TCA Title 62, Chapter 31, Part 2. by \*Kernell, \*Garrett, \*Brooks. (\*SB2514 by \*Haynes)

On motion, House Bill No. 2468 was made to conform with **Senate Bill No. 2514**; the Senate Bill was substituted for the House Bill.

**House Bill No. 3296** -- Greeneville - Subject to local approval, amends charter relative to the powers and duties of mayor. Amends Chapter 563 of the Acts of 1903; as amended. by \*Whitson. (SB3282 by \*Haun)

**House Bill No. 3297** -- Greeneville - Subject to local approval, authorizes filling of vacant police chief, fire chief and recorder positions with candidate outside classified service or candidate with less seniority, upon majority vote approval by governing body; authorizes civil service board, upon majority vote of governing body, to consider non-certified applicants. Amends Chapter 179 of the Private Acts of 1953. by \*Whitson. (SB3280 by \*Haun)

**House Bill No. 3303** -- Unicoi County - Subject to local approval, appoints county purchasing agent; requires county road department purchases be made through purchasing agent. by \*Whitson. (SB3293 by \*Haun)

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**House Bill No. 3304** -- Unicoi County - Subject to local approval, increases privilege tax for commercial outfitters from \$1.00 to \$2.00 per customer. Amends Chapter 40 of the Private Acts of 1983; as amended. by \*Whitson. (SB3292 by \*Haun)

**House Bill No. 3205** -- Election Laws - Redefines "campaign contribution" to include funds used to defray expenses of officeholder Amends TCA Title 2, Chapter 10 and Title 3, Chapter 6. by \*Kisber. (\*SB3202 by \*Gilbert)

**House Bill No. 3179** -- Education - Enacts "Safe Schools Act." Amends TCA Title 39; Title 49 and Title 55. by \*Davidson, \*Purcell, \*Brown, \*Winningham, \*Jones, S.. (\*SB2701 by \*Womack)

**House Bill No. 2824** -- Workers' Compensation - Requires minimum of one employee to be covered for employers engaged in inherently dangerous activities; imposes duty on general contractor to determine if subcontractor is covered by workers' compensation insurance Amends TCA Title 50, Chapter 6. by \*Ritchie. (\*SB2974 by \*Kyle)

**\*House Bill No. 1954** -- Highway Signs - "Jim Alexander Memorial Highway", S.R. 22 between McKenzie and Huntingdon, Carroll County. by \*Herron, \*Phelan, \*Ridgeway. (SB2161 by \*Carter)

On motion, House Bill No. 1954 was made to conform with **Senate Bill No. 2161**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 1955** -- Highway Signs - "Dale Kelley Highway," S.R. 22 from Huntingdon to Parker's Crossroads. by \*Herron, \*McDaniel, \*Phelan. (SB2163 by \*Carter)

On motion, House Bill No. 1955 was made to conform with **Senate Bill No. 2163**; the Senate Bill was substituted for the House Bill.

**\*House Joint Resolution No. 186** -- Highway Signs - Highway Signs -- "Governor Ned McWherter Parkway," certain segment of S.R. 22 in Weakley County. by \*Herron, \*Ridgeway.

**House Joint Resolution No. 564** -- Memorials, Academic Achievement - Tim Francis, Valedictorian, Smyrna High School. by \*Beavers.

**House Joint Resolution No. 565** -- Memorials, Academic Achievement - Sonya Smith, 1996 Valedictorian, Lebanon High School. by \*Beavers.

**House Joint Resolution No. 566** -- Memorials, Academic Achievement - Andrew Zimmerle, Valedictorian, Forrest High School. by \*Beavers.

**House Joint Resolution No. 567** -- Memorials, Academic Achievement - Jennifer Krepp, Valedictorian, Smyrna High School. by \*Beavers.

**House Joint Resolution No. 568** -- Memorials, Academic Achievement - Matthew Treglia, Valedictorian, Smyrna High School. by \*Beavers.

**House Joint Resolution No. 569** -- Memorials, Academic Achievement - Dana Kincaid, Salutatorian, Forrest High School. by \*Beavers.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 2755:** by Rep. Rigsby.

**House Bill No. 2824:** by Rep. McKee.

**House Joint Resolution No. 565:** by Rep. Bell.

Under the rules, House Bill No: 2755, 2824 and House Joint Resolution No: 565 was/were placed at the foot of the calendar for April 23, 1996.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**REGULAR CALENDAR**

**House Joint Resolution No. 497** -- Memorials, Sports - Memphis East High School boys' basketball team, 1995-96 Class AAA state champions. by \*DeBerry L, \*Naifeh, \*Brooks, \*Kernell, \*Jones U (Shelby), \*Kent, \*Miller L.

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Further consideration of House Joint Resolution No. 497, previously considered on March 27, 1996, March 28, 1996 and April 1, 1996, and reset to today's Calendar.

On motion, House Joint Resolution No. 497 was held on the Clerk's desk to be heard at the call of Rep. Miller, which motion prevailed.

**RECALL REQUESTED**

Rep. Bragg moved that Senate Bill No. 2207 be recalled from the Senate.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2907** -- Marriage - Prohibits recognition of same sex marriages even if performed in other states Amends TCA Title 36, Chapter 3. by \*Ritchie, \*Dunn, \*Newton, \*Kerr, \*Boyer, \*McDaniel, \*West, \*Ramsey, \*Ford S, \*Beavers, \*Williams (Union), \*Stamps, \*Shirley, \*Venable, \*Haley, \*Callicott, \*Duer, \*Burchett, \*Wood, \*Byrd, \*Fowlkes, \*Halteman Harwell, \*Sharp, \*Arriola, \*Whitson, \*Peach, \*Rinks, \*Buck, \*Winningham, \*Phelan, \*Givens, \*Pinion, \*Cross, \*Ridgeway, \*Westmoreland, \*Rigsby, \*Fitzhugh, \*White, \*Bell, \*Phillips. (\*SB2305 by \*Holcomb, \*Miller J, \*Jordan, \*Fowler, \*Rice)

Rep. Ritchie requested that House Bill No. 2907 be moved down 10 places on the Calendar.

**\*House Bill No. 2289** -- Education, Higher - Allows LEAs to provide interest free loans to teachers seeking post-graduate degree in subject area or field in which they teach. Amends TCA Title 49, Chapter 5. by \*Ritchie. (SB2821 by \*Womack)

Rep. Ritchie requested that House Bill No. 2289 be moved down 10 places on the Calendar.

**House Bill No. 3005** -- Emergency Communications Districts - Punishes references to 911 service in advertisements as Class C misdemeanor punishable by fine only; authorizes emergency communications district to obtain injunctions concerning such advertising. Amends TCA Title 7, Chapter 86 and Title 47. by \*Robinson. (\*SB3020 by \*Kyle)

Rep. Robinson moved that House Bill No. 3005 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3005 by deleting all language after the enacting clause and by substituting instead the following:

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SECTION 1. Tennessee Code Annotated, Title 47, Chapter 50, is amended by adding the following as a new section to be appropriately designated:

Section \_\_\_\_\_. (a) It is unlawful for any individual or entity to make reference to 911 service, as authorized under Title 7, Chapter 86, in any advertisement if such reference is false, misleading, or deceptive. As used in this section, "advertisement" means any representation disseminated in any manner or by any means, other than by labeling, for the purpose of inducing the purchase of an item or service.

(b) A violation of this section is a Class C misdemeanor punishable only by a fine. An emergency communications district may seek an order from a court with competent jurisdiction enjoining a violator from such unlawful conduct. The court may award reasonable attorney fees and costs to a prevailing district in such case.

SECTION 2. This act shall take effect July 1, 1996, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Robinson requested that House Bill No. 3005 be moved to the heel of the Calendar.

**House Bill No. 2560 --** Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by \*DeBerry J, \*Bowers, \*Miller L. (\*SB2906 by \*Cohen)

Further consideration of House Bill No. 2560, previously considered on April 15, 1996, and reset to today's Calendar.

Speaker Naifeh requested that House Bill No. 2560 be moved to the heel of the Calendar.

**House Bill No. 3131 --** Education, Higher - Clarifies that legally adopted person is instate resident for tuition purposes if adoptive parents Tennessee residents. Amends TCA Title 49, Chapter 8 and Title 47, Chapter 9. by \*Kerr, \*Patton, \*Callicott, \*Westmoreland. (\*SB2832 by \*Koella)

Further consideration of House Bill No. 3131, previously considered on April 15, 1996, and reset to today's Calendar.

Rep. Kerr moved that House Bill No. 3131 be passed on third and final consideration.

Rep. Kerr moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3131 by adding the following language to the end of the current amendatory language of Section 1:

The provisions of this subsection shall be retroactive to July 1, 1994, for any legally adopted person considered to be an instate resident for tuition purposes who paid out-of-state tuition during any portion of that period. A credit shall be issued for such student for future tuition payments in the amount of the difference between any out-of-state tuition actually paid and the instate tuition rate that would have applied at the time. This credit shall be valid only for future tuition payments by such student at any state university or college and may not be returned to the student as a cash refund.

AND FURTHER AMEND by adding the following language to the end of the current amendatory language of Section 2:

The provisions of this subsection shall be retroactive to July 1, 1994, for any legally adopted person considered to be an instate resident for tuition purposes who paid out-of-state tuition during any portion of that period. A credit shall be issued for such student for future tuition payments in the amount of the difference between any out-of-state tuition actually paid and the instate tuition rate that would have applied at the time. This credit shall be valid only for future tuition payments by such student at any state university or college and may not be returned to the student as a cash refund.

On motion, Amendment No. 1 was adopted.

Rep. Kerr moved that **House Bill No. 3131**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eccles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks,

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Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 3278** -- Marshall County - Subject to local approval, creates "Marshall County Adequate Facilities Tax." by \*Fowlkes, \*Beavers.

Further consideration of House Bill No. 3278, previously considered on April 15, 1996, and reset to today's Calendar.

Rep. Fowlkes moved that House Bill No. 3278 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3278 by deleting Section 2(e) and substituting instead the following:

"Development" means the construction, building, erection, or improvement to land providing a new building or structure which provides floor area for a residential or commercial use.

AND FURTHER AMEND by inserting in Section 4 between the words "of" and "development" the word "new".

by deleting from SECTION 7 the words and figures "five dollars (\$5.00)" and substituting instead the words and figures "two dollars (\$2.00)".

AND FURTHER AMEND by deleting SECTIONS 12 and 13 in their entirety and substituting instead the following new sections:

SECTION 12. This act shall have no effect unless it is approved by a majority of the number of qualified voters of Marshall County voting in an election on the question of whether or not the act should be approved. The ballots used in the regular November election to be held on November 5, 1996, shall have printed on them the question to be in substantially the following form:

Shall Chapter \_\_\_\_ of the Private Acts of 1996 (SB \_\_\_\_ /HB 3278) authorizing the Board of Commissioners of Marshall County, Tennessee, to levy an Adequate Facilities Tax be approved?

YES \_\_\_\_

NO \_\_\_\_.

The voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 13. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, this act shall become effective only upon being approved as provided in Section 12.

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 3278**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	91
Noes .....	0
Present and not voting.....	4

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

Representatives present and not voting were: Halteman Harwell, Ritchie, Stulce, West - 4.

A motion to reconsider was tabled.

**House Bill No. 2642** -- General Assembly, Directed Studies - Provides for commission to study character education Amends TCA Section 49-6-1007. by \*Fowlkes, \*McDonald, \*Callicott, \*Arriola, \*Davidson, \*White, \*Fitzhugh, \*Herron. (\*SB2843 by \*Henry)



Further consideration of House Bill No. 2642, previously considered on April 15, 1996, and reset to today's Calendar.

Rep. Fowlkes moved that House Bill No. 2642 be passed on third and final consideration.

Rep. Fowlkes moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2642 by deleting the word "governor" in subdivision (4) of Section 1 of the printed bill and substituting the words "speaker of the house of representatives".

AND FURTHER AMEND by deleting the word "governor" in subdivision (5) of Section 1 of the printed bill and substituting the words "speaker of the senate".

AND FURTHER AMEND in subdivisions (7) and (8) of Section 1 of the printed bill by deleting the word and figure "One (1)" and substituting the word and figure "Two (2)".

AND FURTHER AMEND in Section 1 of the printed bill by deleting subdivision (9) in its entirety.

AND FURTHER AMEND in Section 2 of the printed bill by deleting the words "commissioner of education" in the first sentence thereof and substituting the words "member of the general assembly with the most years of service in the general assembly".

AND FURTHER AMEND in Section 2 of the printed bill by adding the following at the end of the second sentence thereof:

from among the legislative members serving on the commission

On motion, Amendment No. 1 was adopted.

Rep. Fowlkes moved that **House Bill No. 2642**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton,

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Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 539** -- Constitutional Amendments - Authorize lotteries. by \*Kernell, \*Arriola, \*Cantrell, \*Brooks, \*Miller L, \*Langster, \*Chumney, \*Pruitt, \*Odom, \*Givens, \*Callicott.

Rep. Kernell requested that House Joint Resolution No. 539 be moved to the heel of the Calendar.

**\*Senate Joint Resolution No. 4** -- Constitutional Amendments - Removes constitutional prohibition on lotteries. by \*Cohen.

Further consideration of Senate Joint Resolution No. 4, previously read on April 11, 1996 and April 15, 1996, in accordance with Article XI, Section 3 of the Tennessee Constitution.

Rep. Kernell requested that Senate Joint Resolution No. 4 be moved to the heel of the Calendar.

**House Bill No. 1876** -- Motor Vehicles - Revises procedures for towing, preservation and storage of abandoned motor vehicles; establishes procedure for removal of trespassing vehicle from private property; defines "immobile motor vehicle" and "unattended motor vehicle." Amends TCA Title 55, Chapter 16; Title 66, Chapter 19. by \*Jackson, \*Cole (Dyer). (\*SB1683 by \*Wallace, \*Jordan)

Rep. Jackson moved that House Bill No. 1876 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1876 By deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated Section 66-19-103 (a), is amended by inserting the language "or establishments substantially in the business of towing vehicles for hire, pursuant to the provisions of Tennessee Code Annotated, Title 55, Chapter 16, hereinafter referred to as 'towing firms'" after the word "Garagekeepers".

SECTION 2. Tennessee Code Annotated Section, 55-16-103, is amended by adding the following language as a new subdivision (3) and by renumbering subsequent subdivisions accordingly:

(3) "Immobile motor vehicle" means any motor vehicle, trailer, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer that is immobilized and incapable of moving under its own power due to an accident, mechanical breakdown, weather conditions or other emergency situation; and

SECTION 3. Tennessee Code Annotated Section, 55-16-103, is further amended by adding the following language as a new subdivision (5):

(5) "Unattended motor vehicle" means any motor vehicle, semitrailer, or combination or part of a motor vehicle, trailer, or semitrailer, that is on public or private property, unattended by the owner or authorized driver, and interferes with or impedes the orderly flow of traffic, or a motor vehicle that is unattended by reason of the arrest of the driver of such motor vehicle.

SECTION 4. Tennessee Code Annotated Sections 55-16-104, 55-16-105(a), 55-16-105(b), 55-16-105(c), 55-16-105(d), 55-16-105(e), 55-16-106(a), 55-16-106(d), 55-16-106(e)(1), 55-16-107(b), 55-16-108(a), 55-16-108(c), 55-16-108(d), and 55-16-108(e), are amended by adding the language ", immobile, or unattended" immediately after the word, "abandoned" wherever it appears in such sections or subsections.

SECTION 5. Tennessee Code Annotated Sections 55-16-107(a), and 55-16-107(b), are amended by adding the language "or towing firm" immediately after the word "garagekeeper" wherever it appears in such subsections.

SECTION 6. This act shall take effect July 1, 1996, the public welfare requiring it.

**CHAIR TO RINKS**

Mr. Speaker Naifeh relinquished the Chair to Rep. Rinks.

**REGULAR CALENDAR, CONTINUED**

On motion, Amendment No. 1 was adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1876 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 66-19-103, is amended by adding the following language as a new subsection (c):

(c) No person, firm, or entity shall have a right to a lien on any vehicle that has been towed without authorization of a police department or the owner of the vehicle or has been towed in violation of any provisions of Tennessee Code Annotated, Title 55, Chapter 16, Part 1.

On motion, Amendment No. 2 was adopted.

Rep. Curtiss moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Curtiss moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND House Bill No. 1876 by adding the following new sections immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Title 55, Chapter 16, Part 1, is amended by adding the following new section:

Section \_\_\_\_\_. Notwithstanding any provision of law to the contrary, a vehicle may not be towed without authorization by the owner of the vehicle until twelve (12) hours have elapsed since it was first observed to be immobile or unattended unless such vehicle is creating a hazard, such vehicle is blocking access to public or private property, or such vehicle is parked illegally.

Section \_\_\_\_\_. Tennessee Code Annotated, Section 66-19-103, is amended by adding the following language as a new subsection (d):

(d) Any authorization made by a police department to tow a vehicle shall be made in writing. Such authorization shall include:

- (1) The name of the officer giving authorization;
- (2) The year, make and model, and color of the vehicle to be towed;
- (3) The reason for the tow;
- (4) The license plate number, if any; and
- (5) The vehicle identification number, if it is ascertainable.

A copy of such authorization shall be posted with the vehicle by the officer giving authorization, and remain with the vehicle until the vehicle is claimed by the owner.

On motion, Amendment No. 4 was adopted.

Rep. Jackson moved that **House Bill No. 1876**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**\*House Bill No. 168 --** Medical Occupations - Enacts "Hypnotherapist Registration Act." Amends TCA Titles 4, 63. by \*Odom. (SB648 by \*Rice)

Further consideration of House Bill No. 168, previously considered on April 1, 1996 and April 4, 1996, at which time the question had been called on Health & Human Resources Committee Amendment No. 1, and reset to today's Calendar.

Rep. Odom requested that House Bill No. 168 be moved to the heel of the Calendar.

**House Bill No. 2381 --** Firearms and Ammunition - Revises procedures for obtaining firearms permit Amends TCA Title 39, Chapter 17, Part 13. by \*Hargrove, \*Bittle, \*Boyer, \*Peach, \*McDaniel, \*Williams (Union), \*Stamps, \*Ramsey, \*Davis, \*Newton, \*Beavers, \*McAfee, \*Robinson, \*Lewis, \*Givens, \*Winningham, \*Buck, \*Rinks, \*Pinion, \*Phelan, \*Walley, \*White, \*Rigsby, \*Fitzhugh, \*Westmoreland, \*Venable, \*Roach, \*West. (\*SB2320 by \*Haun, \*Wallace)

Further consideration of House Bill No. 2381, previously considered on April 11, 1996, and reset to today's Calendar.

**THURSDAY, APRIL 18, 1996 -- EIGHTY- SIXTH LEGISLATIVE DAY**

Rep. Hargrove moved that House Bill No. 2381 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2381 by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1315, is amended by deleting such section in its entirety.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding Sections 3 through 12 of this act as new sections thereto.

SECTION 3. (a) Any resident of Tennessee who has reached the age of majority may apply to the department of safety for a handgun carry permit. If the applicant is not prohibited from purchasing or possessing a firearm in this state pursuant to Tennessee Code Annotated, Section 39-17-1316, 39-17-1307(b), 18 U.S.C. 922(g) or any other state or federal law and the applicant otherwise meets all of the requirements of this section, the department shall issue a permit to the applicant.

(b) The application for a permit shall be on a standard form developed by the department of safety and shall require the applicant to disclose, under oath, only the following information concerning the applicant:

(1) full legal name and any aliases;

(2) addresses for the last five (5) years;

(3) date of birth;

(4) social security number;

(5) physical description (height, weight, race, sex, hair color and eye color;

(6) whether the applicant has been convicted of a criminal offense punishable for a term exceeding one (1) year;

(7) whether the applicant is currently under indictment or information for any criminal charge punishable for a term exceeding one (1) year;

(8) whether the applicant is currently subject to any order of protection and, if so, the applicant shall provide a copy of such order;

(9) whether the applicant is a fugitive from justice;

(10) whether the applicant is addicted or has been addicted to alcohol, drugs, or controlled substances;

(11) whether the applicant has ever been hospitalized because of mental illness or alcohol or drug problems; and

(12) whether the applicant has ever been adjudicated mentally ill and/or had a conservator appointed by a court for his or her benefit.

(c) In addition to the information required under subsection (b), the department shall be required to take fingerprints of the applicant for the purpose of conducting a Tennessee Bureau of Investigation and Federal Bureau of Investigation criminal history record check. The department shall also be required to photograph the applicant in a manner that is suitable for use on the permit.

(d) The department shall also require an applicant to submit proof of a department approved handgun safety and training course. Such course shall include both classroom training and firing range training.

(e) The department shall make applications for permits available for distribution at any location where the department conducts driver license examinations.

(f) Upon receipt of an application, the department shall notify the chief law enforcement officer of the applicant's county of residence that the applicant has requested a permit. The chief law enforcement officer shall conduct a background investigation regarding the applicant. The background investigation shall be limited to those matters which this section requires the applicant to disclose and whether the applicant has failed to disclose specific facts which are required to be disclosed by Section 3(b)(1) through Section 3(b)(9) of this act. The chief law enforcement officer shall also submit a report to the department containing any readily discoverable information that such officer feels may be pertinent to the applicant regarding those matters enumerated in Section 3(b)(10) through Section 3(b)(12) of this act. The chief law enforcement officer shall file such reports with the department within fifteen (15) days after the date such officer receives a copy of the application.

(g) The department shall deny a permit application if the department determines that the applicant:

(1) Has been convicted of a felony involving the use or attempted use of force, violence or a deadly weapon or a felony drug offense;

(2) Is currently under indictment or information for any criminal charge punishable for a term exceeding one (1) year;

(3) Is currently subject to an order of protection the provisions of which prohibit such applicant from carrying or possessing a firearm;

(4) Is a fugitive from justice;

(5) Is addicted or has been addicted within five (5) years from the date of the application to alcohol, drugs, or controlled substances;

(6) Has been hospitalized because of mental illness or alcohol or drug problems within five (5) years from the date of the application;

(7) Has been adjudicated mentally ill and/or had a conservator appointed by a court for his or her benefit within five (5) years from the date of the application.

(8) Has not accurately disclosed any material information required to be disclosed by the applicant;

(9) Fails to meet the requirements of this section; or

(10) Because of mental illness, alcohol or drug problems, or physical infirmity, poses a material likelihood of risk of harm to the public.

(h) The following shall not be grounds for the department to deny a permit application:

(1) The existence of any arrest or other records for any indictment, charge or warrant which has been judicially or administratively expunged;

(2) A conviction that has been set aside by a court of competent jurisdiction because of the applicant's innocence;

(3) A conviction for which the applicant's civil rights have been restored pursuant to Title 40, Chapter 29, unless the conviction was for a felony involving the use or attempted use of force, violence or a deadly weapon or a felony drug offense;



(4) A conviction for any offense not included in subsection (g)(1) of this section if it has been more than five (5) years since the applicant successfully completed any sentence imposed, any period of probation or parole and paid all restitution ordered for such offense;

or

(i) If the department denies an application, the department shall notify the applicant in writing within ten (10) days of such denial. The written notice shall state the specific factual basis for the denial. It shall include a copy of any reports, records and/or inquiries reviewed or relied upon by the department.

(j) The department shall issue a permit to an applicant not otherwise prohibited from obtaining a permit under this section no later than thirty (30) days after the results of the fingerprint criminal history checks required in subsection (c) of this section and the sheriff's report required in subsection (g) of this section are both received by the department.

(k) A permit holder shall not be required to complete a handgun training course to maintain or renew a handgun carry permit. No permit holder shall be required to complete any additional handgun safety course after obtaining a handgun carry permit.

(l) A permit issued pursuant to this section shall be good for four (4) years and shall entitle the permit holder to carry any handgun(s) which the permit holder legally owns or possesses.

(m) The permit shall be issued on a wallet-sized laminated card of the same approximate size used by the state of Tennessee for driver licenses and shall contain only the following information concerning the permit holder:

(1) The permit holder's name, address, date of birth and social security number;

(2) A description of the permit holder by sex, height, weight and eye color;

(3) A color photograph of the permit holder; and

(4) The permit number and expiration date.

(n) The department shall charge an application and processing fee of one hundred dollars (\$100). Such fee shall cover all aspects of processing the application and issuing a permit.

(o) Substantial compliance with the requirements of this section shall provide the department and any political subdivision thereof with immunity from civil liability alleging liability for issuance of the permit.

(p) Prior to the expiration of a permit, a permit holder may apply to the department for the renewal of a permit by submitting, under oath, a renewal application with a renewal fee of fifty dollars (\$50.00). The renewal application shall be on a standard form developed by the department of safety and shall require the applicant to disclose, under oath, the information concerning the applicant as set forth in subsection (b) and shall require the applicant to certify that such applicant still satisfies all the requirements of this section for the issuance of a permit. In the event the permit expires prior to the department's approval or issuance of notice of denial regarding such renewal application, the permit holder shall be entitled to continue to use the expired permit, provided that the permit holder shall also be required to prove by displaying a receipt for the renewal application fee that the renewal application was delivered to the department prior to the expiration date of the permit.

SECTION 4. (a) The department is hereby authorized to suspend or revoke a handgun permit upon a showing by its records or other sufficient evidence that the permittee:

(1) Has not accurately disclosed any material information required by Section 3 of this act;

(2) Poses a material likelihood of risk of harm to the public;

(3) Has been arrested for a felony involving the use or attempted use of force, violence or a deadly weapon or a felony drug offense;

(4) Has been convicted of a felony; or

(5) Has violated any other provision of this act.

(b) Upon the suspension or revocation of a permit, the permittee must surrender such permit to the department.

(c)(1) The department, upon suspending or revoking a permit, shall require that such permit be surrendered to and be retained by the department. Prior to the reissuance of a suspended permit, the department may require the permittee to submit evidence that the permittee has completed a program of alcohol or drug abuse education, or has completed treatment by a physician, board certified or eligible in psychiatry, or a licensed psychologist certified with competence in clinical psychology; or at a facility licensed by the department of mental health and mental retardation to provide such treatment. Certification of the psychiatrist or clinical psychologist or facility licensed by the department of mental health and mental retardation under this section is not to be construed as a prediction of future behavior but merely certification of completion of the program. The department may not require a permittee to submit such evidence unless such

evidence is relevant to the grounds for the suspension or revocation of such permit.

(2) When such examination, as required by this subsection, is administered by a state supported mental health facility, such facility and medical doctors or doctors of psychology employed by such facility who administer such examinations within the course and scope of such doctor's authority under the statute, shall be immune from tort liability for the proper dissemination of any report or findings to the department of safety which results from such examination; provided, that this immunity shall not extend to any other person, institution, or other member of the private sector, not employed or attached to a state supported mental health facility.

(d) The applicant shall have a right to request an administrative hearing pursuant to Title 4, Chapter 5, or to bring a mandamus action to challenge such suspension or revocation of a permit.

SECTION 5. (a) Any person who has received a notice of suspension or revocation may make a written request for a review of the department's determination by the department at a hearing. The request shall be made on a form available from the department. If the person's permit has not been previously surrendered, it must be surrendered at the time the request for a hearing is made. A request for a hearing does not stay the permit suspension or revocation.

(b) Within thirty (30) days from the date the request for a hearing is filed, the department shall establish a hearing date and set the case on a docket. Nothing in this section shall be construed as requiring the hearing to be conducted within such thirty (30) day period. The hearing shall be held at a place designated by the department. The department shall provide written notice of the time and place of the hearing to the party requesting the hearing at least ten (10) days prior to the scheduled hearing, unless the party agrees to waive this requirement.

(c) The presiding hearing officer shall be the commissioner or an authorized representative designated by the commissioner. The presiding hearing officer shall have the authority to:

- (1) Administer oaths and affirmations;
- (2) Examine witnesses and take testimony;
- (3) Receive relevant evidence;
- (4) Issue subpoenas, take depositions, or cause depositions to interrogatories to be taken;
- (5) Regulate the course and conduct of the hearing; and

(6) Make a final ruling on the issue.

(d) The sole issue at the hearing shall be whether by a preponderance of the evidence the person has violated any provision of this act. If the presiding hearing officer finds the affirmative of this issue, the suspension or revocation order shall be sustained. If the presiding hearing officer finds the negative of this issue, the suspension or revocation order shall be rescinded.

(e) The hearing shall be recorded. The decision of the presiding hearing officer shall be rendered in writing, and a copy will be provided to the person who requested the hearing.

(f) If the person who requested the hearing fails to appear without just cause, the right to a hearing shall be waived, and the department's earlier determination shall be final.

(g) Witnesses under subpoena shall be entitled to the same fees as are now or may hereafter be provided for witnesses in civil actions in the circuit court and, unless otherwise provided by law or by action of the agency, the party requesting the subpoenas shall bear the cost of paying fees to the witnesses subpoenaed.

SECTION 6. (a) Within thirty (30) days of the issuance of the final determination of the department following a hearing under Section 5 of this act, a person aggrieved by the determination shall have the right to file a petition in the chancery court of the county of the person's residence for judicial review. The filing of a petition for judicial review shall not stay the revocation order.

(b) The review shall be on the record, without taking additional testimony. If the court finds that the department exceeded its constitutional or statutory authority, made an erroneous interpretation of the law, acted in an arbitrary and capricious manner, or made a determination which is unsupported by the evidence in the record, the court may reverse the department's determination.

SECTION 7. The Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5, applies to the extent it is consistent with the proceedings under Sections 5 and 6 of this act relating to administrative hearing and judicial review.

SECTION 8. The department shall issue a duplicate permit to a permit holder upon the payment by the permit holder of a fee of five dollars (\$5.00).

SECTION 9. Within sixty (60) days of any change in a permit holder's principal place of residence, the permit holder shall notify the department in writing of such permit holder's new address.

SECTION 10. (a) All permits issued on or after October 1, 1994, pursuant to the former provisions of Tennessee Code Annotated, Section 39-17-1315, shall continue to be valid under this act. At the request of a permit holder, new permit cards shall be issued subject to the applicant meeting the renewal provisions of this act. All such permits shall expire four (4) years from the date of issuance unless revoked or suspended pursuant to the provisions of this act.

(b)(1) Except as provided in subdivision (2), the sheriff and/or chief law enforcement officer of each county shall retain until January 1, 2001, all applications and files related to the approval or denial of any application submitted from October 1, 1994, to the effective date of this act. Such applications and files shall be destroyed after January 1, 2001.

(2) The sheriff and/or chief law enforcement officer may retain applications and files related to the approval or denial of any application submitted from October 1, 1994 to the effective date of this act if such applications and files are relevant to any pending litigation. After such pending litigation is concluded, such applications and files shall be destroyed.

(c) A violation of this act is a Class B misdemeanor punishable only by a fine not to exceed five hundred dollars (\$500).

(d) Any party aggrieved under the terms of this act by the denial, suspension and/or revocation of a permit, or otherwise, may file a writ of mandamus, as provided by law. Such action shall also allow the recovery of any actual damages sustained by the party. The aggrieved party, if prevailing in action, shall also be entitled to recover those costs and attorney's fees reasonably incurred or relating to such action.

(e) Nothing contained in this section shall be construed to alter, reduce or eliminate any personal civil or criminal liability that an applicant may have for the intentional or negligent use of a firearm.

SECTION 11. An individual, corporation, business entity or local, state or federal government entity or agent thereof is authorized to prohibit possession of weapons by any person otherwise authorized by this subsection, at meetings conducted by, or on premises owned, operated, managed or under control of such individual, corporation, business entity or government entity. Notice of such prohibition shall be posted or announced.

SECTION 12. The department of safety is authorized to promulgate rules and regulations pursuant to Title 4, Chapter 5, to implement the provisions of this act.

SECTION 13. For the purpose of promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect October 1, 1996, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 2381 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1315, is amended by deleting subsections (b) through (f) in their entirety.

AND FURTHER AMEND by deleting subsection (d) of Section 3 in its entirety and by substituting instead the following:

(d) The department shall also require an applicant to submit proof of the successful completion of a department approved handgun safety course. Such course shall include both classroom hours and firing range hours.

AND FURTHER AMEND by deleting the language "handgun training course" in the first sentence of subsection (k) of Section 3 and by substituting instead the language "handgun safety course".

AND FURTHER AMEND by adding the following language to the end of subsection (l) of Section 3:

The permit holder shall have the permit in the holder's immediate possession at all times when carrying a handgun and shall display the permit on demand of a law enforcement officer.

On motion, Amendment No. 3 was adopted.

Rep. Rhinehart moved the previous question, which motion prevailed.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

Rep. Hargrove moved that **House Bill No. 2381**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	85
Noes .....	5
Present and not voting .....	4

Representatives voting aye were: Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer),

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Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Armstrong, Brooks, Brown, Napier, Turner (Hamilton) -  
- 5.

Representatives present and not voting were: Bowers, DeBerry, L., Jones, R. (Shelby),  
Turner (Shelby) -- 4.

A motion to reconsider was tabled.

**House Joint Resolution No. 497** -- Memorials, Sports - Memphis East High School boys' basketball team, 1995-96 Class AAA state champions. by \*DeBerry L., \*Naifeh, \*Brooks, \*Kernell, \*Jones U (Shelby), \*Kent, \*Miller L.

Further consideration of House Joint Resolution No. 497, previously considered on today's Calendar.

**RECOGNITION**

Rep. Miller requested that the East High School AAA TSSAA men's basketball team be escorted to the Well for recognition.

**REGULAR CALENDAR, CONTINUED**

Rep. Miller moved adoption of **House Joint Resolution No. 497**, which motion prevailed by the following vote:

Ayes.....	99
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 2907** -- Marriage - Prohibits recognition of same sex marriages even if performed in other states Amends TCA Title 36, Chapter 3. by \*Ritchie, \*Dunn, \*Newton, \*Kerr, \*Boyer, \*McDaniel, \*West, \*Ramsey, \*Ford S, \*Beavers, \*Williams (Union), \*Stamps, \*Shirley, \*Venable, \*Haley, \*Callicott, \*Duer, \*Burchett, \*Wood, \*Byrd, \*Fowkes, \*Halteman Harwell, \*Sharp, \*Arriola, \*Whitson, \*Peach, \*Rinks, \*Buck, \*Winningham, \*Phelan, \*Givens, \*Pinion, \*Cross, \*Ridgeway, \*Westmoreland, \*Rigsby, \*Fitzhugh, \*White, \*Bell, \*Phillips. (\*SB2305 by \*Holcomb, \*Miller J, \*Jordan, \*Fowler, \*Rice)

Rep. Ritchie moved that House Bill No(s). 2907 be reset to the next available space on the next available Regular Calendar on April 23, 1996, which motion prevailed.

**\*House Bill No. 2289** -- Education, Higher - Allows LEAs to provide interest free loans to teachers seeking post-graduate degree in subject area or field in which they teach. Amends TCA Title 49, Chapter 5. by \*Ritchie. (SB2821 by \*Womack)

Rep. Ritchie moved that House Bill No(s). 2289 be reset for the next available space on the next available Regular Calendar on April 23, 1996, which motion prevailed.

**House Bill No. 917** -- Credit Unions - Extends period for giving notice of meeting to dissolve credit union, from 20 to 30 days. Amends TCA Title 45. by \*Rhinehart. (\*SB1118 by \*Cooper)

Further consideration of House Bill No. 917, previously considered on April 8, 1996, at which time the House adopted Amendment No. 1, and April 11, 1996, and reset to today's Calendar.

Rep. Rhinehart moved that **House Bill No. 917**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes .....	1
Present and not voting.....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner



(Shelby), Venable, Walley, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Shirley -- 1.

Representatives present and not voting were: Byrd, West -- 2.

A motion to reconsider was tabled.

**House Bill No. 3271** -- Hamilton County - Subject to local approval, creates two new divisions of general sessions court. Amends Chapter 6 of the Private Acts of 1941, as amended, by \*Stulce, \*Sharp, \*McAfee, \*Wood. (SB3262 by \*Crutchfield)

Rep. Stulce moved that House Bill No. 3271 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3271 by adding after Section 2 the following new section and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_ (a) To assist the general sessions court, the county legislative body may appoint not more than two (2) judicial commissioners. The appointment of a judicial commissioner shall be subject to the approval of a majority of the general sessions court judges in the county. The duties of a judicial commissioner shall include, but not be limited to the following:

(1) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in chapters 5 and 6 of this title;

(2) Issuance of mittimus following compliance with the procedures prescribed by § 40-5-103;

(3) Appointing attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county; and

(4) Setting and approving bonds and the release on recognizance of defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county.

(b) The term of office for a judicial commissioner shall be established by the county legislative body, but such term shall not exceed four (4) years.

A member of the county legislative body is not eligible for appointment as a judicial commissioner.

(c) A judicial commissioner shall be compensated from the general fund of the county in an amount to be determined by the county legislative body. Fees established and authorized by §8-21-401 shall be paid to the county general fund upon the services detailed therein being performed by a judicial commissioner.

On motion, Amendment No. 1 was adopted.

Rep. Stulce moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3271 by deleting from Section 1(b) the third sentence and substituting instead the following:

The qualifying deadline for candidates for the new positions shall be June 13, 1996, for the regular August election in 1996.

AND FURTHER AMEND by deleting from Section 3 the first sentence and substituting instead the following:

This act shall have no effect unless it is approved by a two thirds (2/3) vote of the legislative body of Hamilton County by June 1, 1996.

AND FURTHER AMEND by adding the before Section 3 the following new section:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Stulce moved that **House Bill No. 3271**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley,

Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wingham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 3272** -- Hamilton County - Subject to local approval, creates two new divisions of general sessions court. Amends Chapter 6 of the Private Acts of 1941, as amended. by \*Stulce, \*McAfee, \*Sharp, \*Wood. (SB3252 by \*Crutchfield)

Rep. Stulce moved that House Bill No. 3272 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3272 by adding after Section 2 the following new section and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_ (a) To assist the general sessions court, the county legislative body may appoint not more than two (2) judicial commissioners. The appointment of a judicial commissioner shall be subject to the approval of a majority of the general sessions court judges in the county. The duties of a judicial commissioner shall include, but not be limited to the following:

- (1) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in chapters 5 and 6 of this title;
- (2) Issuance of mittimus following compliance with the procedures prescribed by § 40-5-103;
- (3) Appointing attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county; and
- (4) Setting and approving bonds and the release on recognizance of defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county.

(b) The term of office for a judicial commissioner shall be established by the county legislative body, but such term shall not exceed four (4) years. A member of the county legislative body is not eligible for appointment as a judicial commissioner.

(c) A judicial commissioner shall be compensated from the general fund of the county in an amount to be determined by the county legislative body. Fees established and authorized by §8-21-401 shall be paid to the county general fund upon the services detailed therein being performed by a judicial commissioner.

On motion, Amendment No. 1 was adopted.

Rep. Stulce moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3272 by deleting from Section 1(b) the third sentence and substituting instead the following:

The qualifying deadline for candidates for the new positions shall be June 13, 1996, for the regular August election in 1996.

AND FURTHER AMEND by deleting from Section 3 the first sentence and substituting instead the following:

This act shall have not effect unless it is approved by a two thirds (2/3) vote of the legislative body of Hamilton County by June 1, 1996.

AND FURTHER AMEND by adding the before Section 3 the following new section:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Stulce moved that **House Bill No. 3272**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 93  
Noes ..... 5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn,

Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Chumney, DeBerry, L., Jones, U. (Shelby), Miller, Towns -- 5.

A motion to reconsider was tabled.

**House Bill No. 3273** -- Hamilton County - Subject to local referendum, authorizes two new divisions of general sessions court. Amends Chapter 6 of the Private Acts of 1941, as amended, by \*Stulce, \*Sharp, \*McAfee, \*Wood. (SB3263 by \*Crutchfield)

Rep. Stulce moved that House Bill No. 3273 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3273 by adding after Section 2 the following new section and renumbering the subsequent sections accordingly:

SECTION \_\_\_\_ (a) To assist the general sessions court, the county legislative body may appoint not more than two (2) judicial commissioners. The appointment of a judicial commissioner shall be subject to the approval of a majority of the general sessions court judges in the county. The duties of a judicial commissioner shall include, but not be limited to the following:

- (1) Issuance of arrest and search warrants upon a finding of probable cause in accordance with the procedures outlined in chapters 5 and 6 of this title;
- (2) Issuance of mittimus following compliance with the procedures prescribed by § 40-5-103;
- (3) Appointing attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county; and
- (4) Setting and approving bonds and the release on recognizance of defendants in accordance with applicable law and

guidelines established by the presiding general sessions judge of the county.

(b) The term of office for a judicial commissioner shall be established by the county legislative body, but such term shall not exceed four (4) years. A member of the county legislative body is not eligible for appointment as a judicial commissioner.

(c) A judicial commissioner shall be compensated from the general fund of the county in an amount to be determined by the county legislative body. Fees established and authorized by §8-21-401 shall be paid to the county general fund upon the services detailed therein being performed by a judicial commissioner.

AND FURTHER AMEND by deleting the second sentence of Section 4 and substituting instead the following:

Provided, however, the ratification procedure established by this act shall not be utilized if the Hamilton County legislative body has approved by a two-thirds (2/3) vote by May 16, 1996, the provisions of either Private Chapter \_\_\_\_ (Senate Bill 3262 House Bill 3271) or Private Chapter \_\_\_\_ (Senate Bill 3252 House Bill 3272).

On motion, Amendment No. 1 was adopted.

Rep. Stulce moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3273 by deleting from the second sentence of Section 4, as amended, the date "May 16, 1996" and substituting instead the date "June 1, 1996".

AND FURTHER AMEND by adding before Section 3 the following new section:

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Stulce moved that **House Bill No. 3273**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2770** -- Crime, Victims of - Revises Criminal Injuries Compensation Act by redefining "child" by replacing "individual" with "person." Amends TCA Title 29, Chapter 13, Parts 1 and 3, and Section 40-24-107. by \*Purcell. (\*SB2536 by \*Kyle)

Rep. Purcell moved that House Bill No. 2770 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2770 by deleting the amendatory and directory language in Sections 1 through 3 in their entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 13, Part 1, is amended by adding the following as a new, appropriately designated section:

29-13-1\_\_\_\_. The state treasurer is authorized to develop and implement a statewide public awareness program to inform and remind the citizens of this state of the criminal injuries compensation fund. The primary objective of the program shall be to increase public awareness of the fund and the manner by which eligible crime victims may obtain a monetary award therefrom. Assets of the fund may be expended in developing and implementing the program; provided, that such amount shall not exceed the amount contained in the general appropriations act for that purpose.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it and shall cease to be effective on June 30, 1998.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **House Bill No. 2770**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 3174** -- Judges and Chancellors - Requires state court judge or chancellor to certify sickness or disability so that special judge may be appointed. Amends TCA Section 17-2-116. by \*Purcell, \*Hargrove, \*Chumney. (\*SB2136 by \*Person)

On motion, House Bill No. 3174 was made to conform with **Senate Bill No. 2136**; the Senate Bill was substituted for the House Bill.

Rep. Purcell moved that Senate Bill No. 2136, be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2136 by deleting the period "." at the end of the second sentence of subdivision (2) of the amendatory language of SECTION 1 and substituting instead the following:

and to the judicial selection commission.

FURTHER AMEND by deleting the third sentence of subdivision (2) of the amendatory language of SECTION 1 and substituting instead the following:

Upon receiving a certification of disability, the judicial selection commission shall nominate three (3) persons as candidates for appointment as special judge in the same manner as is provided in Tennessee Code



Annotated, Section 17-4-118, for trial court vacancies. The governor shall appoint and commission a special judge from the list of three (3) nominees submitted by the judicial selection commission and such special judge shall have the same qualifications as the regular judge or chancellor to attend and hold court during the period of disability of any such judge or chancellor.

On motion, Amendment No. 1 was adopted.

Rep. Purcell moved that **Senate Bill No. 2136**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 3173** -- Courts, Criminal Appeal - Increases number of judges on court of criminal appeal from nine to 12; increases number of criminal appeal judges who can reside in any grand division from three to four. Amends TCA Title 16, Chapter 5. by \*Purcell, \*Hargrove, \*Chumney, \*Buck. (\*SB2135 by \*Person, \*Crowe)

Rep. Purcell moved that **House Bill No. 3173** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks,

Ritchie, Roach, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Resolution No. 178** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Rules of Evidence and Appellate and Civil Procedure. by \*Purcell, \*Chumney, \*Hargrove, \*Buck, \*Jackson, \*Williams (Williamson).

Rep. Purcell moved that **House Resolution No. 178** be adopted, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**\*House Bill No. 342** -- Taxes, Excise - Puts formula for calculating excise and franchise taxes on four part basis, property, payroll, and double sales factor. Amends TCA 67-4-811; 67-4-910. by \*Kisber, \*Stulce, \*Venable, \*Ramsey, \*Westmoreland, \*Williams (Williamson), \*Shirley, \*Rinks, \*Haley, \*Robinson. (SB445 by \*McNally, \*Haun, \*Holcomb, \*Wallace)

Rep. Kisber moved that House Bill No. 342 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 342 by deleting all language following the enacting clause and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 67-4-811, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) Except as may otherwise be provided in this part, all business earnings shall be apportioned to this state by multiplying the earnings by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3); provided, however, for tax years beginning on or after December 15, 1997, the numerator of such fraction shall be the property factor plus the payroll factor plus one and one-half (1.50) times the sales factor and the denominator of such fraction shall be three and one-half (3.50); and for tax years beginning on or after December 15, 1998, the numerator of such fraction shall be the property factor plus the payroll factor plus twice the sales factor and the denominator of such fraction shall be four (4).

Section 2. Tennessee Code Annotated, Section 67-4-910, is amended by deleting subsection (a) in its entirety and substituting instead the following:

(a) Except as may otherwise be provided in this part, the capital stock, surplus and undivided profits shall be apportioned to this state by multiplying such values by a fraction, the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3); provided, however, for tax years beginning on or after December 15, 1997, the numerator of such fraction shall be the property factor plus the payroll factor plus one and one-half (1.50) times the sales factor and the denominator of such fraction shall be three and one-half (3.50); and for tax years beginning on or after December 15, 1998, the numerator of such fraction shall be the property factor plus the payroll factor plus twice the sales factor and the denominator of such fraction shall be four (4).

Section 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Ramsey moved the previous question, which motion prevailed.

Rep. Kisber moved that **House Bill No. 342**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96  
Noes ..... 2

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives voting no were: Arriola, Windle -- 2.

A motion to reconsider was tabled.

**House Bill No. 2433** -- Taxes, Real Property - Increases income threshold for property tax relief for the elderly and disabled from \$10,000 to \$12,400. Amends TCA Title 67, Chapter 5, Part 7. by \*Head, \*Cole (Carter), \*Odom, \*Langster, \*Jones, S., \*Eckles, \*West, \*Turner (Hamilton), \*White, \*Chumney, \*Rinks, \*Kernell, \*Kisber, \*Stamps, \*Rigsby, \*Rhinehart, \*Fitzhugh, \*Huskey, \*Cole (Dyer), \*Fowlkes, \*Hassell, \*McDonald, \*Dunn, \*Tindell, \*Byrd, \*Winningham, \*Duer, \*Purcell, \*Beavers, \*Bird, \*Newton, \*Hicks, \*Cross, \*Bragg, \*McAfee, \*Cantrell, \*Hargrove, \*Williams (Union), \*Brooks, \*Herron, \*Burchett, \*Arriola, \*Roach, \*Curtiss, \*Naifeh, \*Gunnels, \*Armstrong, \*Garrett, \*Kerr, \*Stulce, \*Windle, \*Davis, \*Phelan, \*Bell. (\*SB2127 by \*Wallace, \*Koella, \*Harper)

Rep. Head moved that House Bill No. 2433 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2433 by deleting Sections 1, 2 and 3 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 67-5-704, is amended by inserting the following new subsection (c) and by redesignating subsequent subsections accordingly:

(c) A disabled veteran who has one hundred percent (100%) permanent total disability from any other service-connected, noncombat-related cause, as determined by the United States veterans' administration shall be eligible for reimbursement on the first twenty thousand dollars (\$20,000), or such other amount as set forth in the general appropriations act of the full market value of such property. Such full market value shall be adjusted in the same manner provided in subsection (a).

SECTION 2. Tennessee Code Annotated, Section 67-5-702(a)(2), is amended by deleting the first sentence and by substituting the following language:

For tax year 1996, the taxpayer's annual income from all sources shall not exceed ten thousand five hundred fifty dollars (\$10,550). Thereafter, such annual income limit shall be adjusted to reflect the cost of living adjustment for social security recipients as determined by the social security administration and shall be rounded to the nearest ten dollars (\$10).

SECTION 3. Tennessee Code Annotated, Section 67-5-703(a)(2), is amended by deleting the first sentence and by substituting the following language:

For tax year 1996, the taxpayer's annual income from all sources shall not exceed ten thousand five hundred fifty dollars (\$10,550). Thereafter, such annual income limit shall be adjusted to reflect the cost of living adjustment for social security recipients as determined by the social security administration and shall be rounded to the nearest ten dollars (\$10).

SECTION 4. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Rhinehart moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Amendment No. 1 was adopted.

Rep. Head moved that **House Bill No. 2433**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eccles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R.

(Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 800** -- Criminal Procedure - Deletes procedure for restoring citizenship rights of person convicted of infamous crime, thereby reviving former procedure of petitioning circuit court where petitioner resides. Amends TCA 40-29-105. by \*Buck. (\*SB1161 by \*Kyle)

Rep. Buck moved that House Bill No. 800 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 800 by deleting all language after the enacting clause and by substituting instead the following:

Section 1. Tennessee Code Annotated, Section 40-29-105, is amended by deleting from the first sentence of subsection (b) the date "July 1, 1986" and substituting instead the language "July 1, 1986 but before July 1, 1996".

Section 2. Tennessee Code Annotated, Section 40-29-105, is further amended by adding the following new subsection (c):

(c) The following procedure shall apply to a person rendered infamous by virtue of being convicted of a felony on or after July 1, 1996:

(1) Except as provided in subpart (2)(B) of this subsection, a person rendered infamous or whose rights of citizenship have been deprived by the judgment of a state or federal court may seek restoration of such person's full rights of citizenship by petitioning the circuit court of the county

where the petitioner resides or where the conviction for the infamous crime occurred.

(2)(A) A person receiving a pardon that restores full rights of citizenship may petition for restoration immediately upon receiving the pardon. However, the court shall not have the authority or jurisdiction to alter, delete or render void special conditions pertaining to the right of suffrage that may be contained in such pardon.

(B) A person convicted of an infamous crime may petition for restoration upon the expiration of the maximum sentence imposed by the court for the infamous crime.

Provided, however, a person convicted of murder, rape, treason or voter fraud shall never be eligible to register and vote in this state.

(3) The petition shall set forth the basis for the petitioner's eligibility for restoration and shall state the reasons the petitioner believes that his or her full citizenship rights should be restored. The petition shall be accompanied by such certified records, statements and other documents or information as is necessary to demonstrate to the court that the petitioner is both eligible for and merits having his or her full rights of citizenship restored. The court may require such additional proof as it deems necessary to reach a just decision on the petition.

(4)(A) Prior to acting on any petition filed pursuant to this subpart, the court shall notify the district attorney general in whose county the petitioner resides and the district attorney general of the county in which the conviction occurred that a petition for restoration of citizenship has been filed by the petitioner. Such notice shall be sent at least thirty (30) days prior to any hearing on or disposition of the petition. Each district attorney general so notified may object to the restoration of the petitioner's citizenship rights either in person or in writing.

(B) If the petitioner was rendered infamous or deprived of citizenship rights by judgment of a federal court, the circuit court shall give the notice required in subdivision (A) of this subpart to the United States attorney and the district attorney general in whose district the petitioner is currently residing. Each such official shall have the same right to object to the petition as is provided in subdivision (A) of this subpart.

(5) If upon the face of the petition or after conducting a hearing, the court finds that the petitioner's full citizenship

rights should be restored, it shall so order and send a copy of such order to the state coordinator of elections.

(6) All costs for a proceeding under this subsection to restore a person's citizenship rights shall be paid by the petitioner unless the court specifically orders otherwise.

(7) Any person whose citizenship rights have been restored by order of the court pursuant to this subsection shall submit a certified copy of such order to the registrar of the county in which such person is eligible to vote. The registrar shall verify with the coordinator of elections that such an order was issued and, upon receiving such verification, shall issue the person a voter registration card entitling the person to vote.

Section 3. This act shall take effect July 1, 1996, the public welfare requiring it.

Rep. Haley moved the previous question on Amendment No. 1, which motion prevailed by the following vote:

Ayes .....	78
Noes .....	7
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bittle, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., Duer, Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kerr, Kisber, Lewis, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, Whitson, Williams (Union), Windle, Winningham, Wood -- 78.

Representatives voting no were: Bowers, Brooks, Brown, DeBerry, L., Jones, U. (Shelby), Langster, Turner (Shelby) -- 7.

Representatives present and not voting were: Kernell -- 1.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 800**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	81
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Noes ..... 3  
Present and not voting..... 5

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Buck, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Sharp, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 81.

Representatives voting no were: Brooks, Brown, Turner (Shelby) -- 3.

Representatives present and not voting were: Bowers, Jones, U. (Shelby), Langster, Miller, Towns -- 5.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on House Bill No. 800 and have this statement entered in the Journal: Rep(s). Chumney.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 3218** -- Probation - Establishes requirements relative to employees of agencies engaged in supervision of misdemeanor probationers. Amends TCA Section 40-35-302. by \*Fowlkes, \*Robinson. (\*SB3210 by \*Springer)

Rep. Fowlkes moved that House Bill No(s). 3218 be reset to the Regular Calendar for April 25, 1996, which motion prevailed.

**House Bill No. 1167** -- Fire Prevention and Investigation - Requires publishing notice twice in consecutive weeks, in newspaper of general circulation, instead of mailing to property owners of record in district, description of boundaries of fire tax district to be created and map showing areas of county to be included. Amends TCA Title 5, Chapter 17. by \*Phelan, \*Davis. (\*SB1428 by \*Carter)

Rep. Phelan moved that House Bill No. 1167 be passed on third and final consideration.

Rep. Jones R (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1167 by deleting Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 5-17-105, is amended by adding the following as a new subsection:

( ) In those counties having eight (8) or more incorporated municipalities which levy a property tax and four (4) or more special school districts, the fire tax district shall comprise the entire county, including each and every incorporated municipality.

On motion, Amendment No. 1 was adopted.

Rep. Phelan moved that **House Bill No. 1167**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 92  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Ford, Fowlkes, Givens, Gunnels, Halteman Harwell, Hargrove, Hassell, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**MOTION TO RECONSIDER**

**\*Senate Bill No. 2207** -- Utilities, Utility Districts - Requires natural gas distribution systems to belong to one-call service formed in geographical area in which systems operate. Amends TCA Section 65-31-107. by \*Rochelle. (HB2646 by \*Bragg, \*Kisber, \*Fowlkes)

Rep. Bragg moved to lift from the table the motion to reconsider Senate Bill No. 2207, which motion prevailed.

Rep. Bragg moved to reconsider action in passing Senate Bill No. 2207, which motion prevailed.

Rep. Bragg moved to reconsider action in adopting Amendment No. 2, which motion prevailed.

Rep. Bragg moved to withdraw Amendment No. 2, which motion prevailed.

Rep. Bragg moved that Senate Bill No. 2207, be passed on third and final consideration.

Rep. Head moved adoption of Amendment No. 4 as follows:

**Amendment No. 4**

AMEND Senate Bill No. 2207 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. The provisions of this act shall not apply in counties having a population, according to the 1990 federal census or any subsequent federal census of:

not less than	nor more than
27,100	27,400
41,300	41,600
100,300	100,600

On motion, Amendment No. 4 was adopted.

Rep. Bragg moved that **Senate Bill No. 2207**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Winningham, Wood -- 95.

Representatives voting no were: Windle -- 1.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Purcell moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 237 out of order, which motion prevailed.

**House Resolution No. 237** -- Memorials, Personal Occasion - Frances Moore, 75th Birthday, by \*Naifeh.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Purcell, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Purcell moved to suspend the rules to introduce and pass on first consideration the following bills:

**House Bill No. 3321** -- Mitchellville - Subject to local approval, allows mayor and board of alderpersons to borrow up to \$30,000 through bond or note with term of no more than five years. by \*McDonald.

**House Bill No. 3323** -- Putnam County - Subject to local approval, establishes small claims court. by \*Hargrove.

**House Bill No. 3324** -- Putnam County - Subject to local approval, changes status of county attorney from elected to appointed position, effective September 1, 1998. Repeals Chapter 459 of the Private Acts of 1949. by \*Hargrove.

**House Bill No. 3329** -- Cookeville - Subject to local referendum, requires referendum to approve leasing of hospital property Amends Chapter 223 of the Private Acts of 1961. by \*Hargrove.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2114** -- Sunset Laws - Wildlife resources commission, June 30, 2004. Amends TCA Title 4, Chapter 29, and Title 70, Chapter 1. by \*Kernell, \*Garrett, \*Brooks. (\*SB2017 by \*Haynes)

Rep. Kernell moved that House Bill No. 2114 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2114 by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding a new item thereto, as follows:

( ) Wildlife resources commission, created by Section 70-1-201;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2114**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2123** -- Sunset Laws - State university and community college system, board of regents, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 8. by \*Kernell, \*Garrett, \*Brooks. (\*SB1995 by \*Haynes)

On motion, House Bill No. 2123 was made to conform with **Senate Bill No. 1995**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 1995, be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1995 by deleting Section 2 of the printed bill in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-223(a), is amended by adding a new item thereto, as follows:

( ) State university and community college system, board of regents, created by Section 49-8-201;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **Senate Bill No. 1995**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives voting no were: Shirley -- 1.

A motion to reconsider was tabled.

**House Bill No. 2458** -- Sunset Laws - Department of general services, June 30, 2004; requires department to submit reports to members of general assembly on energy savings by department. Amends TCA Title 4, Chapters 3 and 29. by \*Kernell, \*Garrett, \*Brooks. (\*SB2621 by \*Haynes)

On motion, House Bill No. 2458 was made to conform with **Senate Bill No. 2621**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No. 2621 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

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Rep. Kernell moved that **Senate Bill No. 2621** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

A motion to reconsider was tabled.

**House Bill No. 431** -- Sunset Laws - Military affairs commission, June 30, 2002 Amends TCA Title 4, Chapters 29, 45, by \*Kernell, \*Garrett, \*Brooks. (\*SB495 by \*Haynes)

On motion, House Bill No. 431 was made to conform with **Senate Bill No. 495**; the Senate Bill was substituted for the House Bill.

Rep. Kernell moved that Senate Bill No(s). 495 be reset to the Regular Calendar for April 23, 1996, which motion prevailed.

**\*House Bill No. 2210** -- Funeral Directors and Embalmers - Allows purchasers of pre-need cemeteries and funeral services to pre-pay sales tax on purchased services and merchandise. Amends TCA Title 46, Chapter 2, Part 4; Title 62, Chapter 5, Part 4; Title 67, Chapter 6, Part 3 and Title 67, Chapter 6, Part 5. by \*Kernell, \*Garrett. (SB2516 by \*Haynes)

Rep. Kernell moved that **House Bill No. 2210** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley,

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Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2313** -- Women - Mandates that newly constructed football stadiums in Nashville build more restrooms for women than for men, in compliance with TCA 68-120-503 Amends TCA Title 68, Chapter 120, Part 5. by \*Chumney, \*Brown, \*Jones, S., \*Bowers. (SB2441 by \*Cohen, \*Harper)

On motion, House Bill No. 2313 was made to conform with **Senate Bill No. 2441**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 2441, be passed on third and final consideration.

Rep. Jones R. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2441 by deleting the amendatory language of Section 1(a) and by substituting instead the following language:

(a) All football stadiums, which are under design, planned for construction or newly constructed during or after 1996 and which are not high school football stadiums, must comply with Tennessee Code Annotated, Section 68-120-503, so that more water closets and lavatories are provided for women than for men at a ratio determined by the state building commission.

AND FURTHER AMEND by deleting Section 2 and by substituting the following:

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.



Rep. Churney moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2441 by deleting from Section 1(a), as amended, the language "and lavatories".

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 68-120-503, is amended by deleting from the second sentence the language "and lavatories".

Tennessee Code Annotated, Section 68-120-503, is further amended by adding after the second sentence the following language:

In determining any ratio required under this part, the commission shall consider the number of urinals and water closets for men as opposed to the number of water closets for women.

On motion, Amendment No. 2 was adopted.

Rep. Churney moved that **Senate Bill No. 2441**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	2

Representatives voting aye were: Armstrong, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Cantrell, Churney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Burchett, Ritchie -- 2.

A motion to reconsider was tabled.

**House Bill No. 3198** -- Education - Adds The American Home School Association, Inc. to list of entities that can accredit church-related schools. Amends TCA Section 49-50-801. by \*Turner (Shelby), \*Brown. (\*SB2434 by \*Dixon)

Rep. Turner (Shelby) moved that House Bill No. 3198 be taken off notice, which motion prevailed.

**House Bill No. 2270** -- Taxes, Real Property - Establishes 100 percent property tax exemption for property on National Register of Historic Places, owned by charitable institution, rented less than 120 days a year for two day events; proceeds from rentals used to maintain and upkeep property; applies to Ossili Circle in Knoxville. Amends TCA Title 67, Chapter 5, Part 2. by \*Ritchie, \*Armstrong. (\*SB2232 by \*Gilbert)

Rep. Ritchie moved that House Bill No(s). 2270 be reset to the next available space on the next available Regular Calendar, which motion prevailed.

**\*House Bill No. 2445** -- Sexual Offenses - Increases amounts of various surcharges that convicted sex offenders are required to pay to clerks of court Amends TCA Title 39, Chapter 17, Part 7. by \*Ritchie. (SB2731 by \*Kyle)

Rep. Ritchie moved that House Bill No(s). 2445 be reset to the next available space on the next available Regular Calendar, which motion prevailed.

**House Bill No. 1107** -- Custody and Support - Requires noncustodial parent to obtain permission of custodial parent prior to exposing minor child to nude beach or nudist colony; if custody is awarded to both parents, both must agree prior to exposing child to such experiences. Amends TCA Title 36, Chapter 6. by \*Tindell, \*Ritchie, \*Burchett. (\*SB1417 by \*Gilbert)

Rep. Tindell moved that House Bill No. 1107 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1107 by deleting the amendatory language of Section 1 in its entirety and substituting instead the following:

Section \_\_\_\_\_. No person who has been granted visitation rights to a child shall, during the child's minority, expose the child to any facility organized or operated as a nudist colony. Any court of competent jurisdiction shall have the ability to enforce these provisions and enjoin violations of this section through the full extent of the court's civil and criminal contempt powers.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 1107 by adding the following language as new sections immediately preceding the effective date section, and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. No person shall expose a minor child to any facility organized or operated as a nudist colony. Any court of competent jurisdiction shall have the ability to enforce these provisions and enjoin violations of this section through the full extent of the court's civil and criminal contempt powers.

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

On motion, Amendment No. 2 was adopted.

Rep. Tindell moved that **House Bill No. 1107**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 96  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood -- 96.

A motion to reconsider was tabled.

**House Bill No. 2687** -- Environmental Preservation - Increases scope of petroleum cleanup criteria under Petroleum Underground Storage Act by retroactively applying it to soil and groundwater; applies to soil and groundwater in any mandatory cleanup of

petroleum. Amends TCA Section 68-215-102 and 68-215-127. by \*Byrd. (\*SB2720 by \*Kyle)

On motion, House Bill No. 2687 was made to conform with **Senate Bill No. 2720**; the Senate Bill was substituted for the House Bill.

Rep. Byrd moved that Senate Bill No. 2720 be passed on third and final consideration.

On motion, Rep. Napier withdrew Conservation & Environment Committee Amendment No. 1.

Rep. Byrd moved that **Senate Bill No. 2720** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**House Bill No. 77** -- Taxes, Inheritance Gift - Makes nieces and nephews and their issue Class A beneficiaries for gift tax purposes of any person who has no child or grandchild. Amends TCA Title 67, Chapter 8, Part 1. by \*Phillips, \*Lewis. (\*SB46 by \*Womack)

Rep. Phillips moved that House Bill No. 77 be passed on third and final consideration.

Rep. Phillips moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 77 by deleting Section 2 of the bill in its entirety and substituting the following language in lieu thereof:

Section 2. This act shall take effect upon passage, the public welfare requiring it, and shall apply to gifts made on or after January 1, 1996.

On motion, Amendment No. 1 was adopted.

Rep. Phillips moved that **House Bill No. 77**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 3005** -- Emergency Communications Districts - Punishes references to 911 service in advertisements as Class C misdemeanor punishable by fine only; authorizes emergency communications district to obtain injunctions concerning such advertising. Amends TCA Title 7, Chapter 86 and Title 47. by \*Robinson. (\*SB3020 by \*Kyle)

Further consideration of House Bill No. 3005, previously considered on today's Calendar, at which time the House adopted Amendment No. 1.

Rep. Robinson moved that House Bill No. 3005, as amended, be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion prevailed.

Rep. Robinson moved that **House Bill No. 3005**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough,

Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Nalfeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 2560** -- Tennessee Arts Commission - Requires commission to be official agency to receive and disburse funds from federal government for programs in cultural arts, in addition to performing, visual and literary arts and preservation of architecture art and artifacts. Amends TCA Title 4, Chapter 20. by \*DeBerry J, \*Bowers, \*Miller L. (\*SB2906 by \*Cohen)

Further consideration of House Bill No. 2560, previously considered on today's Calendar.

Rep. DeBerry J moved that House Bill No. 2560 be passed on third and final consideration.

Rep. Brooks moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Brooks moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2560 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 4-20-106, is amended by adding the following language:

Any funds received by the commission from the federal and/or state government shall be equitably disbursed among those arts agencies in urban and rural underserved and underrepresented areas that meet, through documentation, the requirements set out in the provisions of Section 4-20-107.

On motion, Amendment No. 2 was adopted.

Rep. DeBerry J moved that House Bill No(s). 2560 be reset to the Regular Calendar for April 23, 1996, which motion prevailed.

**THURSDAY, APRIL 18, 1996 -- EIGHTY- SIXTH LEGISLATIVE DAY**

**\*House Joint Resolution No. 539** -- Constitutional Amendments - Authorize lotteries. by \*Kernell, \*Arriola, \*Cantrell, \*Brooks, \*Miller L, \*Langster, \*Chumney, \*Pruitt, \*Odom, \*Givens, \*Callicott.

Further consideration of House Joint Resolution No. 539, previously considered on today's Calendar.

Rep. Kernell requested that House Joint Resolution No. 539 be moved down 1 place on the Calendar.

**\*Senate Joint Resolution No. 4** -- Constitutional Amendments - Removes constitutional prohibition on lotteries. by \*Cohen.

Further consideration of Senate Joint Resolution No. 4, previously considered on today's Calendar.

Rep. Kernell requested that Senate Joint Resolution No. 4 be moved to the heel of the Message Calendar.

**\*House Joint Resolution No. 539** -- Constitutional Amendments - Authorize lotteries. by \*Kernell, \*Arriola, \*Cantrell, \*Brooks, \*Miller L, \*Langster, \*Chumney, \*Pruitt, \*Odom, \*Givens, \*Callicott.

Further consideration of House Joint Resolution No. 539, previously considered on today's Calendar.

Rep. Kernell requested that House Joint Resolution No. 539 be moved to the heel of the Message Calendar.

**\*House Bill No. 168** -- Medical Occupations - Enacts "Hypnotherapist Registration Act." Amends TCA Titles 4, 63. by \*Odom. (SB648 by \*Rice)

Further consideration of House Bill No. 168, previously considered on today's Calendar.

Rep. Odom moved that House Bill No(s). 168 be reset to the Regular Calendar for April 23, 1996, which motion prevailed.

**MESSAGE CALENDAR**

**Senate Bill No. 1981** -- Public Records - Authorizes cities and counties to establish and operate electronic access to public records on contractual, fee-based basis. Amends TCA Title 10, Chapter 7. by \*Ford J. (\*HB1960 by \*Chumney)

Rep. Chumney moved that Senate Bill No(s). 1981 be reset to the Message Calendar for April 23, 1996, which motion prevailed.

**\*Senate Bill No. 1959** -- Chiropractors - Revises requirements for obtaining continuing education hours. Amends TCA Section 63-4-112. by \*Henry. (HB1950 by \*Gunnels, \*McKee)

Rep. Gunnels moved that Senate Bill No(s). 1959 be reset to the Message Calendar for April 23, 1996, which motion prevailed.

### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 2763** -- Solid Waste Disposal - Revises Solid Waste Disposal Act of 1991; authorizes funds from solid waste management fund to be used to enhance recycling efforts and to develop permanent collection sites for household hazardous wastes; imposes tipping fee on municipal solid waste received at Class I landfills. Amends TCA Section 68-211-104; Title 68, Chapter 211, Parts 2 through 4; Title 68, Chapter 211, Part 8; Section 68-211-902; Section 68-211-903 and Section 68-211-924. by \*Purcell, \*Napier, \*Cross, \*Callicott, \*Westmoreland, \*Kernell, \*Bittle, \*Stulce, \*Curtiss, \*Williams (Union), \*McAfee, \*Kisber, \*Odom, \*West. (\*SB2180 by \*Gilbert, \*Wilder, \*McNally)

#### Senate Amendment No. 3

AMEND House Bill No. 2763 by deleting in Section 32, as amended, the language "thirteen (13)" and by substituting instead the language "fifteen (15)".

AND FURTHER AMEND by adding the following language to the end of Section 32, as amended:

One (1) member shall be a municipal official from one (1) of the four (4) most populous municipalities in the state according to the 1990 federal census or any subsequent federal census. Such member shall be nominated by the Tennessee Municipal League. One (1) member shall be a county official from one (1) of the four (4) most populous counties in the state according to the 1990 federal census or any subsequent federal census. Such member shall be nominated by the Tennessee County Services Association. The municipal official and the county official, respectively, shall alternate among the four (4) municipalities and counties. A municipal or county official shall not be replaced with an official from the same municipality or county until all remaining municipalities and counties are represented. The municipal and county official selected pursuant to this section shall not be from the same county at the time of their selection. Further appointments after each municipality and each county has had a representative shall also be made in the way and manner provided by this section.

AND FURTHER AMEND by adding the following as a new section to precede the effective date section:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 68-211-841 is amended by adding the following new subsections thereto:



( ) (1) The terms of the following members shall expire December 31, 1996:

(A) The member representing counties;

(B) The member representing the public from the eastern grand division of the state;

(C) The member representing the public from the western grand division of the state;

(D) The member representing the recycling industry;  
and

(E) The member representing development districts.

(2) The terms of the following members shall expire December 31, 1999:

(A) The member representing a statewide organization of business interests;

(B) The member representing municipalities;

(C) The member representing the waste management industry;

(D) The member representing a statewide organization for environmental concerns; and

(E) The member representing the public from the middle grand division of the state.

(3) The terms of the following members shall expire December 31, 2000:

(A) The member representing agriculture;

(B) The member representing the Tennessee Environmental Council;

(C) The member representing the tire industry;

(D) The member representing the four (4) most populous municipalities; and

(E) The member representing the four (4) most populous counties.

(4) As each member's term expires, such member's successor shall serve a term for four (4) years.

( ) A vacancy on the committee shall be filled by the commissioner for the member's unexpired term.

AND FURTHER AMEND by adding the following a new section to precede the effective date section:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 68-211-802(a)(13), is amended by adding the following language at the end after the semicolon:

such recovered materials are not solid waste;

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 3 to **House Bill No. 2763**, which motion prevailed by the following vote:

Ayes .....	97
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 876** -- Domestic Violence - Requires health professionals and certain other persons likely to come into contact with persons subjected to spousal abuse to file reports on suspected abuse under certain circumstances. Amends TCA Title 36, Chapter 3, Part 6. by \*Turner (Hamilton), \*Eckles, \*Jones, S., \*Pruitt, \*DeBerry L, \*Chumney. (\*SB1059 by \*Crutchfield, \*Burks)

#### Senate Amendment No. 4

AMEND House Bill No. 876 by deleting all the language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following as a new section:

(a) The general assembly finds that the incidence of spousal abuse and battering is on the rise in Tennessee and that measures should be taken to statistically document these incidents so that further study can be undertaken, and reasonable proposals to end the violence be put forth and considered in a rational and deliberate manner. The general assembly further finds that such statistics can be compiled only if health care practitioners are encouraged to report instances of abuse when they examine abused patients. Such voluntary reporting will most likely occur if the law protects both the practitioner's duty to maintain confidentiality, with full civil immunity, and the patient from the types of violence, including acts of revenge, that may result when the batterer is reported. Such reporting system must be administered in a manner that ensures that abused patients are encouraged to seek adequate medical care for their physical and emotional injuries which result from acts of spousal abuse. The general assembly further finds that neither the law enforcement officials statewide, nor the courts, are adequately trained, or equipped by law, to fully address, or reduce, the incidence of spousal abuse and domestic violence.

(b) Any health care practitioner licensed or certified under Title 63, who knows, or has reasonable cause to suspect, that a patient's injuries, whether or not such injuries cause a patient's death, are the result of domestic violence or abuse, is encouraged to report to the department of health, office of health statistics, on a monthly basis. The report shall not disclose the name or identity of the patient, but should include the nature and extent of the patient's injuries, the substance in summary fashion of any statements made by the patient, including comments concerning past spousal abuse with the patient's current spouse or previous partner(s), that would reasonably give rise to suspicion of spousal abuse. The practitioner shall include any other information upon which the suspicion of abuse is based.

(c) If a patient is treated by more than one (1) health practitioner, it is the duty of the supervising practitioner of the unit or department providing treatment, or of any other health practitioner designated by the unit or department, to ensure that the reports are made on a timely basis.

(d) Any person making any report pursuant to this part, including an employee or agent of a health care practitioner licensed under Title 63 in the reasonable performance of such person's duties and within the scope of their authority, shall be presumed to be acting in good faith and shall thereby be immune from any liability, civil or criminal, that might otherwise be incurred or imposed including

administrative actions for licensure revocation. Any person alleging lack of good faith has the burden of proving bad faith. Such reporter shall have the same immunity with respect to participation in any judicial proceeding resulting from such report, or in any judicial or administrative proceeding in which the information so reported is subpoenaed, examined, or considered.

(e)

(1) The identity of a person who reports abuse, neglect, or exploitation, and the information so reported, as contemplated under this section are confidential and privileged and may not be revealed unless a court with jurisdiction under this part so orders for good cause shown.

(2) Except as otherwise provided in this section, it is unlawful for any person, except for purposes directly connected with the administration of this part, to disclose, receive, make use of, authorize or knowingly permit, participate, or acquiesce in the use of any list or the name of, or any information concerning, a practitioner participating in the voluntary reporting system.

(3) A violation of this subsection is a Class B misdemeanor.

(f) On a form to be created jointly by the Tennessee Task Force Against Domestic Violence and the Tennessee Medical Association, in consultation with the department of health, each health care practitioner should file a summary report on a monthly basis, of the incidents of spousal abuse, to the department of health, office of health statistics. The office of health statistics shall compile such statistics in a meaningful fashion, in consultation with the Tennessee Task Force Against Domestic Violence, and by presenting the information for each of the twelve (12) community health agencies statewide. At the end of each calendar year, the office of health statistics shall file a report of the incidence of spousal abuse with the speakers of both houses, the Tennessee Task force Against Domestic Violence, and the Tennessee Medical Association.

SECTION 2. This act shall take effect on July 1, 1996, the public welfare requiring it.

#### **Senate Amendment No. 2**

AMEND House Bill No. 876 by adding to Section 1(e) the following language as a new subdivision (3) and by renumbering the remaining subdivision accordingly:

(3) Nothing herein shall be construed to limit the duty of any person or entity to make any required report or to cooperate in any manner required

by the provisions of the Tennessee Adult Protection Act, Tennessee Code Annotated, Title 71, Chapter 6, Part 1.

**Senate Amendment No. 3**

AMEND House Bill No. 876 by deleting the words and punctuation "on a timely basis." from Section 1(c) and by substituting instead the following:

"on a timely basis and that duplicate reports of the incident are not made. In the event that the patient is referred to another health practitioner for treatment, the report shall be made only by the referring practitioner so that duplicate reports are not made."

Rep. Turner(Hamilton) moved that the House concur in Senate Amendment(s) No(s). 4, 2 and 3 to **House Bill No. 876**, which motion prevailed by the following vote:

Ayes..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2244** -- Intergovernmental Relations - Revises quorum requirements of advisory commission on intergovernmental relations; removes commission's responsibility to study grant programs. Amends TCA Title 4, Chapter 10. by \*Bragg, \*Kisber, \*Bittle, \*Purcell, \*Turner (Shelby). (\*SB1952 by \*Rochelle)

**Senate Amendment No. 1**

AMEND House Bill No. 2244 by deleting Sections 1, 2 and 3 in their entirety and substituting instead the following:

Section 1. Tennessee Code Annotated, Section 4-10-103(a)(1), is amended by deleting the language of the first sentence in its entirety and substituting instead the following:

(1) Five (5) elected county officials, four (4) elected city officials, two (2) state executive branch officials and five (5) private citizens, all of whom shall be appointed by the governor, except that the county and city members shall be appointed initially from a list of eight (8) nominees submitted by their respective state associations and thereafter from a list of two (2) candidates for each reappointment or replacement.

Section 2. Tennessee Code Annotated, Section 4-10-103(a)(1), is amended by deleting the language of the fourth sentence in its entirety and substituting instead the following:

At least one (1) county elected official member shall be appointed initially from a list of eight (8) nominees submitted by the County Officials Association of Tennessee and thereafter from a list of two (2) candidates for each reappointment or replacement.

Section 3. Tennessee Code Annotated, Section 4-10-103, is amended by deleting subsection (c)(1) in its entirety and substituting instead the following:

(c)(1) Members shall be appointed for a term of four (4) years and may be subsequently appointed to additional four (4) year terms.

Section 4. Tennessee Code Annotated, Section 4-10-103(c)(2), is amended by deleting the language "to fill the unexpired term".

Section 5. Tennessee Code Annotated, Section 4-10-104, is amended by deleting item (7) in its entirety and renumbering all subsequent items.

Section 6. Tennessee Code Annotated, Section 4-10-106, is amended by deleting the section in its entirety and substituting instead the following:

In addition to its own staff, and at the request of the chairperson, the comptroller of the treasury and the institute of public service of the University of Tennessee are authorized to provide staff assistance as necessary.

Section 7. Tennessee Code Annotated, Section 4-10-108, is amended by deleting the section in its entirety and substituting instead the following:

The commission shall issue reports of its findings and recommendations, as appropriate, and shall issue a biennial report on its work. Copies of the biennial report shall be distributed to members of the commission, the library and archives and the legislative library. Upon request, copies shall be provided to other

public officials, public agencies, and to the public. Copies of reports mandated by the general assembly shall be distributed to all legislative members.

Section 8. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Bragg moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 2244**, which motion prevailed by the following vote:

Ayes..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2274 --** DUI/DWI Offenses - Makes vehicle driven by person with suspended or revoked license for prior DUI subject to forfeiture; provides for disposition of proceeds. Amends TCA Title 40, Chapter 33, Part 2; Title 55, Chapter 50 and Title 55, Chapter 10. by \*Curtiss, \*McDonald, \*Beavers, \*Ford S, \*Sharp, \*Callicott, \*Kent, \*Ramsey, \*Patton, \*Jackson, \*Fitzhugh, \*Cole (Dyer), \*Kisber, \*McDaniel, \*Duer, \*Walley, \*Williams (Union), \*Boyer, \*Windle. (SB2594 by \*Cooper, \*Haynes, \*Miller J, \*McNally, \*Fowler, \*Person, \*Atchley, \*Rice, \*Burks, \*Hamilton)

Rep. Curtiss moved that House Bill No(s). 2274 be reset to the Message Calendar for April 23, 1996, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENTS

**\*House Bill No. 2342 --** Sexual Offenses - Requires health care providers to report conditions indicative of statutory rape Amends TCA Title 38, Chapter 1. by \*DeBerry J,

\*Brooks, \*Pruitt, \*Chumney, \*Walley, \*Jackson, \*Kent, \*Cole (Carter), \*Turner (Hamilton).  
(SB2482 by \*Dixon)

**Senate Amendment No. 3**

AMEND House Bill No. 2342 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Any person making a report under this act shall be immune from civil liability that might otherwise be imposed for such action.

**Senate Amendment No. 5**

AMEND House Bill No. 2342 delete the words "between the ages of at least thirteen (13) but"

Rep. DeBerry J moved that the House concur in Senate Amendment(s) No(s). 3 and 5 to **House Bill No. 2342**, which motion prevailed by the following vote:

Ayes..... 93  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Jackson, Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**REGULAR CALENDAR, CONTINUED**

**\*Senate Joint Resolution No. 4** -- Constitutional Amendments - Removes constitutional prohibition on lotteries. by \*Cohen.

Further consideration of Senate Joint Resolution No. 4, previously considered on today's Calendar.

Rep. Kernell moved that Senate Joint Resolution No. 4 be concurred in.

Rep. Kernell requested that the Clerk read Senate Joint Resolution No. 4.



3. The Clerk read the resolution for the third Constitutional Reading, in accordance with Article XI, Section

Rep. Kernell moved adoption of Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Joint Resolution No. 4 by deleting from the amendatory language of the first resolving clause the following language:

"The Legislature shall have no authority to authorize and regulate casinos or slot machines."

and substituting instead the following new language:

The Legislature shall have no power to authorize casinos or slot machines for any purpose and shall pass laws to prohibit the operation of casinos and slot machines in this state.

Rep. Wood moved a Special Order to reset Senate Joint Resolution No. 4 to the Regular Calendar for April 25, 1996.

Rep. Kernell moved that the Special Order be tabled, which motion failed by the following vote:

Ayes .....	45
Noes .....	49

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Brooks, Brown, Buck, Callicott, Chumney, Cole (Dyer), Cross, Davidson, Davis, DeBerry, J., DeBerry, L., Eckles, Fowlkes, Garrett, Givens, Hargrove, Head, Huskey, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kisber, Langster, McKee, McMillan, Miller, Odom, Phelan, Pruitt, Purcell, Rigsby, Rinks, Robinson, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, Williams (Williamson), Winningham, Mr. Speaker Naifeh -- 45.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Burchett, Byrd, Cantrell, Clabough, Coffey, Cole (Carter), Duer, Dunn, Fitzhugh, Ford, Gunnels, Haley, Halteman, Harwell, Hassell, Herron, Hicks, Jackson, Joyce, Kent, Kerr, Lewis, McAfee, McDaniel, McDonald, Napier, Newton, Patton, Peach, Phillips, Pinion, Ramsey, Ridgeway, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Venable, Walley, Westmoreland, White, Williams (Union), Windle, Wood -- 49.

Rep. Rhinehart moved the previous question on the Special Order, which motion prevailed.

Rep. Wood moved a Special Order to reset Senate Joint Resolution No. 4 to the Regular Calendar for April 25, 1996, which motion failed by the following vote:

Ayes .....	39
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Noes ..... 52

Representatives voting aye were: Beavers, Bird, Bittle, Boyer, Bragg, Burchett, Byrd, Clabough, Coffey, Davidson, Duer, Dunn, Eckles, Fowlkes, Gunnels, Haley, Hassell, Herron, Jackson, Joyce, Kerr, Lewis, McAfee, McDaniel, McDonald, Patton, Peach, Phillips, Pinion, Ramsey, Rhinehart, Ritchie, Roach, Sharp, Shirley, Walley, Williams (Union), Windle, Wood -- 39.

Representatives voting no were: Armstrong, Arriola, Bell, Bowers, Brooks, Brown, Buck, Callicott, Cantrell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Fitzhugh, Givens, Halteman Harwell, Hargrove, Head, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, McMillan, Miller, Napier, Newton, Odom, Phelan, Pruitt, Purcell, Ridgeway, Rigsby, Rinks, Robinson, Stamps, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, West, Westmoreland, White, Williams (Williamson), Mr. Speaker Naifeh -- 42.

Rep. Boyer moved that Senate Joint Resolution No. 4 be reset to the next available space on the next available Regular Calendar.

Rep. Kernell moved that the motion to reset Senate Joint Resolution No. 4 be tabled, which motion failed by the following vote:

Ayes ..... 45  
Noes ..... 48

Representatives voting aye were: Armstrong, Arriola, Bell, Bowers, Brooks, Brown, Buck, Callicott, Chumney, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Eckles, Garrett, Givens, Head, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, McDaniel, McMillan, Miller, Napier, Newton, Odom, Phelan, Pruitt, Purcell, Rigsby, Robinson, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, Westmoreland, Williams (Williamson), Mr. Speaker Naifeh -- 45.

Representatives voting no were: Beavers, Bird, Bittle, Boyer, Bragg, Burchett, Byrd, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Gunnels, Haley, Halteman Harwell, Hassell, Herron, Jackson, Joyce, Kerr, Lewis, McAfee, McDonald, McKee, Patton, Peach, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stulce, Venable, Walley, White, Williams (Union), Windle, Wood -- 48.

Rep. Boyer moved that Senate Joint Resolution No. 4 be reset to the next available space on the next available Regular Calendar, which motion prevailed by the following vote:

Ayes ..... 49  
Noes ..... 45

Representatives voting aye were: Beavers, Bird, Bittle, Boyer, Bragg, Burchett, Byrd, Clabough, Coffey, Cole (Carter), Cole (Dyer), Duer, Dunn, Eckles, Fitzhugh, Fowlkes, Gunnels, Haley, Halteman Harwell, Hassell, Herron, Jackson, Joyce, Kerr, Lewis, McAfee,

## **THURSDAY, APRIL 18, 1996 -- EIGHTY- SIXTH LEGISLATIVE DAY**

McDonald, McKee, Newton, Patton, Peach, Phillips, Pinion, Ramsey, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Venable, Walley, White, Williams (Union), Windle, Wood -- 49.

Representatives voting no were: Armstrong, Arriola, Bell, Bowers, Brooks, Brown, Buck, Callicott, Cantrell, Chumney, Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Garrett, Givens, Hargrove, Head, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Kent, Kernell, Kisber, Langster, McDaniel, McMillan, Miller, Napier, Odom, Phelan, Pruitt, Purcell, Rigsby, Robinson, Tindell, Towns, Turner (Hamilton), Turner (Shelby), West, Westmoreland, Williams (Williamson), Mr. Speaker Naifeh -- 45.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 539** -- Constitutional Amendments - Authorize lotteries. by \*Kernell, \*Arriola, \*Cantrell, \*Brooks, \*Miller L., \*Langster, \*Chumney, \*Pruitt, \*Odom, \*Givens, \*Callicott.

Further consideration of House Joint Resolution No. 539, previously considered on today's Calendar.

Rep. Kernell moved that House Joint Resolution No(s). 539 be reset behind Senate Joint Resolution No. 4, which motion prevailed.

## **UNFINISHED BUSINESS**

### **RULES SUSPENDED**

Rep. Jones R (Shelby) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 571 out of order, which motion prevailed.

**House Joint Resolution No. 571** -- Memorials, Personal Occasion - Arthur and Sidney Odell, 50th Wedding Anniversary. by \*Jones R (Shelby).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Jones R (Shelby), the resolution was adopted.

A motion to reconsider was tabled.

### **RULES SUSPENDED**

Rep. Windle moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 230 out of order, which motion prevailed.

**THURSDAY, APRIL 18, 1996 -- EIGHTY- SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 230** -- Memorials, Sports - 1994-1995 Shelbyville High School girls' basketball team, TSSAA state champions. by \*Phillips.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Windle, the resolution was adopted.

A motion to reconsider was tabled.

**MESSAGE FROM THE SENATE**  
**April 18, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 466; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 466** -- Memorials, Retirement - Congressman James H. Quillen. by \*Cooper, \*Henry, \*Dixon, \*O'Brien, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Crowe, \*Crutchfield, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

**RULES SUSPENDED**

Rep. Cole(Carter) moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 466 out of order, which motion prevailed.

**Senate Joint Resolution No. 466** -- Memorials, Retirement - Congressman James H. Quillen. by \*Cooper, \*Henry, \*Dixon, \*O'Brien, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Crowe, \*Crutchfield, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack, \*Wright.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Cole(Carter), with the request that all members voting aye be added as sponsors, the resolution was concurred in.

**RECALL REQUESTED**

Rep. White moved that Senate Bill No. 2292 be recalled from the Senate, which motion prevailed.

**BILLS WITHDRAWN**

On motion of Rep. Williams(Union), **House Bill No. 3260** was withdrawn from the House.

**THURSDAY, APRIL 18, 1996 -- EIGHTY- SIXTH LEGISLATIVE DAY**

On motion of Rep. Boyer, **House Bill No. 2529** was withdrawn from the House.

**RULES SUSPENDED**

Rep. Purcell moved to suspend the rules to introduce and pass on first consideration the following bills:

**House Bill No. 3318** -- Oakdale - Subject to local approval, revises charter relative to responsibilities of board of mayor and aldermen. Amends Chapter 51. by \*Windle.

**House Bill No. 3319** -- Hardin County - Authorizes advisory referendum in City of Crump. by \*Rinks.

**House Bill No. 3320** -- Hardin County - Subject to local approval, revises composition of county hospital board; creates new terms of office for board of commissioners. Amends Chapter 409 of the Private Acts of 1957; as amended. by \*Rinks.

**House Bill No. 3322** -- Cheatham County - Subject to local approval, authorizes privilege tax on new development in such manner as county legislative body determines. by \*Williams (Williamson), \*Davidson.

**House Bill No. 3325** -- Blount County - Subject to local approval, places advisory question on November ballot relative to formulation of land use or zoning plan. by \*Kerr, \*Clabough.

**House Bill No. 3326** -- Blount County - Authorizes advisory referendum on formulation of land use planning or zoning plan at August or November election. by \*Kerr.

**House Bill No. 3327** -- Ripley - Revises various provisions of charter relative to municipal functions. Amends Chapter. by \*Fitzhugh.

**House Bill No. 3328** -- Rutherford County - Subject to local approval, establishes development tax. by \*Bragg, \*Beavers, \*Eckles.

**House Bill No. 3330** -- Greenbrier - Subject to local approval, rewrites city charter. Repeals Chapter 436 of the Private Acts of 1937. by \*Davidson.

**SPECIAL ORDER**

Rep. Ritchie moved that House Bill(s) No(s). 2907, 2289, 2270, 2445, 2755 and 2824 be reset to the Calendar for April 23, 1996, which motion prevailed.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 583:** Rep(s). Jones R (Shelby) as prime sponsor(s).

**House Joint Resolution No. 584:** Rep(s). Jones R (Shelby) as prime sponsor(s).

**House Bill No. 2575:** Rep(s). Beavers, Sharp and Bird as prime sponsor(s).

**House Bill No. 2611:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 2636:** Rep(s). Stamps as first prime sponsor(s).

**House Bill No. 2637:** Rep(s). Tindell as first prime sponsor(s).

**House Bill No. 2946:** Rep(s). Beavers and Bird as prime sponsor(s).

**House Bill No. 2986:** Rep(s). West as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). McDaniel was/were removed as sponsor(s) of **House Bill No. 3126**.

**REQUEST TO BE ADDED AS SPONSOR**

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship was not granted since request was made after passage/adoption of said bill/resolution:

**House Bill No. 927:** Rep(s). DeBerry L.

**House Bill No. 2384:** Rep(s). Curtiss.

**ENGROSSED BILLS**

**April 18, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3296, 3297, 3303, 3304.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 3139. The Senate nonconcurred in House Amendment(s) No(s). 1 and 2.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 3118. The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2207, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 18, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 542, with his approval.

HARDY MAYS, Counsel to the Governor.

**ENGROSSED BILLS**

**April 18, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 186, 546, 547, 548, 549, 550, 553, 554, 555, 556, 557, 558, 559, 560, 562, 563, 564, 566, 567, 568 and 569.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution(s) No(s). 393, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 18, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2975, 3063, 3173, 3179, 3205 and 3271; also, House Joint Resolution(s) No(s). 497.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**THURSDAY, APRIL 18, 1996 -- EIGHTY- SIXTH LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 488; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 488 --** General Assembly, Adjournment, Recess - Provides for recess on Thursday, April 18, 1996, to reconvene on April 23, 1996, for house of representatives. by \*Atchley.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2778; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 527, 529, 534, 535, 538, 543 and 545; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3264, 3282, 3288, 3289, 3290, 3291, 3293, 3296, 3297, 3298, 3302, 3303 and 3304; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 18, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 516, with his approval.

HARDY MAYS, Counsel to the Governor.



**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2667; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1825, 1840, 2009, 2014, 2025, 2093, 2166, 2200, 2435, 2485, 2495, 2538, 2742, 2844, 3024, 3056 and 3067; also, Senate Joint Resolution(s) No(s). 356, 449 and 450; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2021, 2455, 2489, 2536, 2539, 2562, 2581, 2795, 2825, 2860, 2862, 3006 and 3295; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2221, 2275, 2607 and 2654; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 18, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1107, 1167, 1876, 2114, 2210, 2433, 2642 and 3005.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**April 18, 1996**

The Speaker signed the following: Senate Bill(s) No(s). 1825, 1840, 2009, 2014, 2025, 2093, 2166, 2200, 2435, 2485, 2495, 2538, 2742, 2844, 3024, 3056 and 3067; also, Senate Joint Resolution(s) No(s). 356, 449 and 450.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2762; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2352; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2417; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2829; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 2292, as requested.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 497, 546, 547, 548, 549, 550, 553, 554, 555, 556, 557, 558, 559, 560, 562, 563, 564, 566, 567, 568 and 569; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 18, 1996**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 342, 800, 917, 2770, 3131 and 3272; also, House Joint Resolution(s) No(s). 571.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 549, 1167, 1316 and 2114; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**

**April 18, 1996**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 77, 2381, 3273 and 3278.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2553; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2861; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 3079; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

**April 17, 1996**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1551, 2968, 3249, 3267, 3269, 3270, 3274, 3275, 3276, 3277, 3280, 3281; also House Joint Resolution No. 14 with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 278, amended, and concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**April 18, 1996**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 151; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**April 18, 1996**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2021, 2455, 2489, 2536, 2539, 2562, 2581, 2795, 2825, 2860, 2862, 3006 and 3295

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present ..... 98

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

**RECESS MOTION**

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, April 22, 1996.